



This documentation concerns two separate applications made to the High Court, Court of Appeal, and the Supreme Court, endeavouring to retain and enforce Irish Constitutional law, in particular Article 40.6.

Article 40 of the Irish Constitution states (in part):

"6.1. The State guarantees liberty for the exercise of the following rights, subject to public order and morality:

The right of the citizens to express freely their convictions and opinions.

The education of public opinion being, however, a matter of such grave import to the common good, the State shall endeavour to ensure that organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not be used to undermine public order or morality or the authority of the State.

The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law."

The above Article recognised the importance of *"The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law."*

This law safeguarded, that Ireland remained exclusively Christian, by lawfully prohibiting any interlopers of foreign faiths from establishing themselves, and growing within the Irish Homeland.

Unfortunately, the word "*Blasphemous*" was misleadingly removed from the Constitution, via a poorly publicized referendum, which was stealthily attached to a presidential election. Unsurprisingly, almost zero discussion was had on this topic, despite its significance.

Bizarrely, Deputy Simon Harris, who said the blasphemy law (which protected Christian values) was "embarrassing", now seeks to endorse a "Hate Speech" law, which secures anyone, with little regard to the Christian Constitution of the Irish People.

The following is an undertaking to point out the obvious.
In Defence of the Faith.



The Proclamation of Independence States

"We place the cause of the Irish Republic under the protection of the Most High God."

According to Article 35.2 of the Constitution "All judges shall be independent in the exercise of their judicial functions and subject only to this Constitution and the law." Every person appointed a judge must take the oath set out in Article 34.6.1 of the Constitution as follows:

The Judges Oath

"In the presence of Almighty God, I do solemnly and sincerely promise and declare that I will duly and faithfully and to the best of my knowledge and power execute the office of Chief Justice (or as the case may be) without fear or favour, affection or ill-will towards any man, and that I will uphold the Constitution and the laws. May God direct and sustain me."



SUPREME COURT

Record No: 2021/000099

Court of Appeal Record No: 2020/194

High Court Record No: 2019/224JR

BETWEEN:

Appellant

EMMETT CORBETT

-and-

Respondent

BROADCASTING AUTHORITY IRELAND

COVER LETTER

Following the delay in receiving transcripts and Approved Judgments late, I was unable to address the following points in my initial Supreme court application, as I would have exceeded the time limit allowed by the court, if I were to wait. As this is a matter that was out of my control, and no fault of my own, I would like to highlight the subsequent points.

On the 13th of May 2019, I Emmett Corbett had made a High Court application for a judicial review, before Justice Seamus Noonan, concerning the Broadcasting Authority Ireland refusal to recognise the lawful interruption of Blasphemy and the term "any religion" as set out in Minister Dermot Ahearn 2009 provisions to article 40.6 of the Irish Constitution.

The matter concerns a radio broadcast, on Red FMs, Neil Prendiville show, where he stated before a referendum, that blasphemy was an offence against anyone's god, anyone's religion.

In doing so, I am of the belief, that the voting public, was misinformed on what they were voting for.

As such an incorrect statement gave the impression, that the referendum to remove the word "Blasphemy" from the Irish Constitution, was pitched toward the rejection of diverse deities and faiths, rather than embracing and retaining of the Christian Most High God, of the Irish nation.

I am also of the belief, that had the broad listenership on the day, not been misinformed on what they were voting for, that the public majority, would have voted to retain the word "Blasphemy" within the Constitution, and the protection of cultural Christian values, within the Republic.

Ciaran Kissane of The Broadcasting Authority Ireland, erroneously maintains, that the term "any religion" should be interpreted as all faiths, however this does not tally with the Preamble of the Irish Constitution, which in part states, "In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial".

It is evident that any Act that state the term "any religion" can truly only be interrupted as any Christian domination, and that the law of the Irish people, can only be observed through the lens of Christianity.

This was highlighted to Justice Seamus Noonan in the High Court, as can be seen on page 4 of the transcript, lines 4-16, but on page 5, lines 28-30 Judge Seamus Noonan, states "But I don't think, as I say, I can enter into a determination based on what is really in substance an appeal on the merits".

However, this was not an appeal on the merits, but rather an appeal on Constitutional law, thus Judge Noonan's judgment did not consider that the BAI decision did not harmonize with the Pre-Amble of the Irish Constitution, thus rendering its actions as unconstitutional.

It was also pointed out in page 4, lines 5-6 that this has been Constitutional law since 1937, therefore the writers of the Constitution penned it with the Christian God at the forefront of their mind.

This can also be fleshed out in the Proclamation of Independence, which states in part,

“We place the cause of the Irish Republic under the protection of the Most High God.”

Most High God of course, is a title only held, by the Christian God of the Bible.

Correspondingly, according to an Irish Government website, concerning the National Flag of Ireland, states that, the tricolour of green, white and orange, is intended to symbolise white in the centre to signify a lasting truce between Orange and Green of Irish Protestants and Irish Catholics, clasped in generous and heroic brotherhood.

Which was formally confirmed as the National Flag in the 1937 Constitution.

Therefore, considering the substantial reference to the Most High God, and adherence to the Christian faith, the obvious mutually exclusive relationship between various belief systems, which naturally prohibit a catch-all blasphemy law, to cover "any religion" in the context of all faiths.

The High Court did not give due consideration to the Broadcasting Authority's, fallacious determination, which was based on an inappropriate appeal to authority, that unheeded the Irish Constitution.

Furthermore, it was also highlighted in the High Court, as can be seen on the transcript, on page 2 lines 28-34, that BLASPHEMY as defined by Black's Law Dictionary states, Blasphemy is the offense of speaking matter relating to God, Jesus Christ, the Bible, or the Book of Common Prayer, intended to wound the feelings of mankind or to excite contempt and hatred against the church by law established, or to promote immorality.

For this reason, we have for centuries had the Bible in courtrooms throughout the Irish homeland, where generations were duty-bound to swear oaths, and keep its commandments, in particular the first commandment, thou shalt have no other gods before Me.

Which is yet another point that substantiates that the term "any religion" can only be interpreted as any Christian domination, and not all faiths.

If such an erroneous interruption was to exist, utter confusion would ensue, as the practice of religious animal sacrifice, which is still practiced today, would be deemed as animal cruelty, by the state, and in conflict with Buddhism.

Neither does the state allow the smoking of marijuana, as practiced by Rastafarians, as this would be contrary to the misuse of drugs act, also

Hinduism is in conflict with Islam, due to considering a cow a sacred, just as Christianity is contrary with them all.

Surly the state is not suggestion that if a person was to say something defamatory against Satanism, that a citizen would be brought before the courts and fined?

Considering all the above facts, President George Birmingham, On the 29th of July 2021 in The Court of Appeal, stated on page 5:11-12 of the Approved Judgment, that “While Mr. Corbett contends that the Broadcasting Authority of Ireland approached his complaint on an incorrect legal basis, I am far from persuaded that is the case.

On the contrary, it seems to me that the Broadcasting Authority of Ireland, acted very appropriately in taking guidance from the views of the Referendum Commission which they quoted as having stated, the legal definition of blasphemy is contained in the Defamation Act of 2009.”

And on page 6:13-14 President Birmingham, states “I am firmly of the view that the interest of justice would not be served by extending time. All that would achieve would be to permit the bringing of proceedings which could never achieve anything.

Accordingly, I would refuse the application to extend time”.

If persuasion is required to validate such a commonly recognised certainty, the Irish historical document, Poblacht Nah Eireann, and the National Flag, which was formally confirmed as the National Flag in the 1937 Constitution, would be additional obvious evidences, to reinforce that 2009 Defamation Act, was not carefully interpreted in context, but rather carelessly misinterpreted out of context, by the BAI and preceding courts.

Consequently, if such a truth was to be compromised, it would no longer be truth.

My application in the Court of Appeal was refused on the grounds that I was late in my application, and the case of Eire Continental v Clonmel Foods was the reference point for this.

However, I was not late in my initial High Court hearing, and this was acknowledged by Judge Noonan, as seen on page 4: 20-21, of the transcript, where he states “Mr. Corbett is within time to make this application.”

Also, I can only reiterate what I stated before President George Birmingham, in The Court of Appeal, when referencing the case of Eire Continental v Clonmel Foods, which was, that this case was between private companies, where money and assets were at stake, and that I am neither seeking money nor assets.

In comparison my hearing was between a government funded, semi-state body unconstitutional interruption, thus there was no reference to having a time limit on constitutional justice, as I do believe that such a time limit, would in itself be unconstitutional.

In conclusion, accountability to the negligent, is justice to the neglected.

Emmett Corbett

Word Count 1401

BROADCASTING AUTHORITY IRELAND TRANSCRIPT

* As can be seen in the transcript, from line 26-34, I have no explanation why during my hearing, Judge Seamus Noonan did not have in his possession all the document I had filed with the court, in where I had to provide him with another copy. *

In where he states on 33-34 *"Oh, I haven't seen this. Yes, all right. So, just give me a moment then, yes?"*

Bill No: 2019 224 JR

THE HIGH COURT
BEFORE THE HONOURABLE MR JUSTICE SEAMUS NOONAN

13 May 2019

EMMETT CORBETT

v.

BROADCASTING AUTHORITY OF IRELAND

For the Plaintiff:

Mr E Corbett (lay litigant)

Emmett Corbett v. Broadcasting Authority of Ireland
13 May 2019

INDEX

<u>Proceedings</u>	<u>Pages</u>
Application by Mr Corbett	1 - 4
Judgment	4 - 5

1 REGISTRAR: Corbett v. Broadcasting Authority Ireland.

2 JUDGE: One second. Mr Corbett, is it?

3 MR CORBETT: It is.

4 JUDGE: Yes.

5 MR CORBETT: Judge.

6 JUDGE: Yes. Hello, Mr Corbett. Yes. Very good. So, Mr Corbett, yes, I've read
7 the papers. And as I understand, your complaint is about a decision that the BAI
8 made on the 20th of February; is that right?

9 MR CORBETT: That's correct, Judge.

10 JUDGE: And you featured on this programme where the blasphemy referendum was
11 being discussed; is that right?

12 MR CORBETT: I did at one stage, but that's not the issue. The issue was there was
13 false and misleading information given out at the time.

14 JUDGE: Yes.

15 MR CORBETT: And they would've been corrected on it. They refused to correct --
16 to correct the information.

17 JUDGE: Yes.

18 MR CORBETT: It was at the attention of the Broadcasting Authority.

19 JUDGE: Yes.

20 MR CORBETT: And they made a decision based on an incorrect interpretation of
21 the provisions made by Dermot Ahern in 2009 for article 40, paragraph six --

22 JUDGE: Yes.

23 MR CORBETT: -- of the blasphemy law.

24 JUDGE: Well --

25 MR CORBETT: I've outlined there the correct definition of --

26 JUDGE: Yes, sorry, Mr Corbett. What I've got is a document that's entitled
27 'Objectivity and Impartiality Rules'.

28 MR CORBETT: Is that all you have? Sorry, this --

29 JUDGE: Sorry?

30 MR CORBETT: This is my grounding statement and my affidavit as well.

31 JUDGE: Yes.

32 MR CORBETT: That's it there.

33 JUDGE: Oh, I haven't seen this. Yes, all right. So, just give me a moment then,
34 yes?

1

2 So, Mr Corbett, are you saying that the BAI got the definition of blasphemy wrong;
3 is that it?

4 MR CORBETT: Yes. I think I've outlined that clearly, Judge.

5 JUDGE: Yes.

6 MR CORBETT: If you look at the definition, the legal definition of the word and
7 what they say it is; they're two different things. They also used the term 'all
8 religions'.

9 JUDGE: Yes.

10 MR CORBETT: They used it as a catch-all blasphemy law.

11 JUDGE: Yes.

12 MR CORBETT: For all faiths, which is not possible. Also, I've outlined that inside
13 the documentation there.

14 JUDGE: Yes, I see it. Yes. All right. Anything else then, Mr Corbett? Anything
15 you want to add to that?

16 MR CORBETT: Yes. I mean, basically, I believe that if it goes unchecked, they
17 would undermine the democratic process by giving out false and misleading
18 information the day before a referendum which would have swayed the public, as
19 listeners and voters to vote --

20 JUDGE: Yes.

21 MR CORBETT: -- in a certain way. I think, you know, the listeners would've been
22 deprived of an informed vote on the day because of this error which they failed to
23 correct.

24 JUDGE: Yes.

25 MR CORBETT: And also, Judge, is if an application is ... to know why -- you
26 know, what is the correct definition and how it should be understood. But, as far as
27 I'm concerned, I think they, to be honest --

28 JUDGE: And sorry, where did you set out that definition in your ...

29 MR CORBETT: It's -- what have you got there? The grounding statement? It's on -
30 - it'd be the second page, I think. Lax law, the definition of lax law --

31 JUDGE: Oh, it's in a law dictionary that you're taking it? Oh yes.

32 MR CORBETT: Yes. Yes.

33 JUDGE: Yes.

34 MR CORBETT: So, that was the definition, rather than ...

1 JUDGE: But it's not in a statute, is it not?

2 MR CORBETT: It's not, but the Act was made by Dermot Ahern in 2009.

3 JUDGE: But is it not in the Defamation Act of 2009?

4 MR CORBETT: It's impossible, Judge - I'm opening that as well - for that to have a
5 catch-all blasphemy law, Judge. There may be conflicts and contradictions that
6 would arise --

7 JUDGE: Yes.

8 MR CORBETT: -- if such a law was possible. I just gave one example between
9 Christianity and Islam.

10 JUDGE: Yes.

11 MR CORBETT: The same could be said for Hinduism where they would think a
12 cow was sacred and Islam and Christianity would disagree with that.

13 JUDGE: Well, are you taking issue with the definition of blasphemy in the Act, is it,
14 of 2009 as well?

15 MR CORBETT: No, I take an issue with the definition given out by a radio host on
16 the day.

17 JUDGE: Yes.

18 MR CORBETT: But when I complained -- this today -- the Broadcasting Authority,
19 they didn't acknowledge the correct definition of the word blasphemy. And that was
20 what the referendum was, to remove the word blasphemy. It was nothing to do with
21 provisions.

22 JUDGE: Well, what they said in their decision is the --

23 MR CORBETT: Yes.

24 JUDGE: -- legal definition of blasphemy --

25 MR CORBETT: Is contained.

26 JUDGE: -- is contained in the Defamation Act 2009. That Act says that: "a person
27 publishes or utters something blasphemous if they publish or say something that is
28 grossly abusive or insulting in relation to the matters held sacred by any religion,
29 thereby causing outrage among a substantial number of the adherents of that
30 religion." So, is that not from the 2009 Act?

31 MR CORBETT: It is, Judge, but I think in its context is to be understood as all
32 religion would be understood as all denominations, rather than -- because it's not
33 possible -- it's impossible to have like a blasphemy law to cover everybody.

34 JUDGE: Yes.

1 MR CORBETT: And it could only be in the context of the definition of the legal
2 definition of the word. And then -- and the law --

3 JUDGE: Yes.

4 MR CORBETT: -- it can only be understood as Christian denomination. After all,
5 they've been -- this law was ... in 1937. And, you know, it's largely the vast majority
6 of the population would have been Catholic, Protestant or other way.

7 JUDGE: I'm sorry, do you say it only applies to Christian religions then, is that what
8 you're saying?

9 MR CORBETT: Well, it can only -- I mean, I fail to see how it could only -- like
10 any other religion that --

11 JUDGE: Are Christian, is it?

12 MR CORBETT: Yes. Yes.

13 JUDGE: Yes.

14 MR CORBETT: I don't see how that's possible. And then like somebody explain to
15 me how it is possible.

16 JUDGE: Yes. Very good. Yes. All right, thanks, Mr Corbett.

17

18 Well, this is an application by Mr Emmett Corbett for leave to seek judicial review
19 of a decision of the Broadcasting Authority of Ireland which was given apparently on
20 the 20th of February of this year. So, Mr Corbett is within time to make this
21 application. He's within the three-month timeframe that Order 84 prescribes for the
22 seeking of judicial review. And his complaint to the Broadcasting Authority
23 stemmed from a radio show called the Neil Prendeville Show which was broadcast
24 on a radio station called Red FM. Apparently, it's a current affairs programme. And
25 Mr Corbett himself, it seems, featured on that programme. The host of the
26 programme conducted interviews with a number of people and Mr Corbett
27 participated in that. And following the broadcast of the programme, and the
28 referendum was I think subsequently held within a very short period of time, but Mr
29 Corbett made a complaint to the BAI. And that complaint, as set out in the BAI's
30 decision, was that his complaint was made about comments made by the presenter in
31 advance of the referendum, which claimed that the presenter wrongly stated that
32 blasphemy is an offence against any religion. And Mr Corbett maintained that this
33 was a damaging and incorrect statement which would've swayed people's opinions
34 and their votes in the up-and-coming referendum. And it essentially was a complaint

1 about impartiality. And the broadcaster's response was that the representer stated his
2 genuine understanding of blasphemy on the day in question, but that if the
3 interpretation was incorrect, that it was open to a remedy by the regulator and so
4 forth.

5
6 So, the decision made by the BAI on this particular issue was that they quoted the
7 legal definition of blasphemy, as I've just referred to it in discussion with Mr Corbett,
8 which is contained in the Defamation Act of 2009. And the Act says that: "a person
9 publishes or utters something blasphemous if they publish or say something that is
10 grossly abusive or insulting in relation to matters held sacred by any religion, thereby
11 causing outrage among a substantial number of the adherents of that religion." And
12 Mr Corbett takes issue with that. He says it's a rather unsatisfactory definition. And
13 the authority in its decision said the presenter's reference to blasphemy in the context
14 of the referendum could not be considered as inaccurate or misleading. And it is
15 with that determination, it seems to me, that Mr Corbett takes issue.

16
17 And it seems to me though, really, I can't enter into the merits of this particular
18 matter. The question really, I have to decide, is whether or not the BAI had
19 jurisdiction to make this decision and whether it was a decision lawfully made. And
20 it sometimes happens that when decisions of public bodies are challenged before the
21 Court, there is a complaint made that there was some incorrect application of a
22 particular legal principle or statutory provision, which the applicant says was
23 wrongly construed. And it seems to me, even if it was, and I very much have
24 reservations as to whether there was any incorrect construction of the law by the
25 BAI, but even if it was, it seems to me that the height of it would be an error within
26 jurisdiction. I don't think such a determination could have the effect of depriving the
27 BAI of the jurisdiction to make this decision. And in reality, I have to say, it seems
28 to me that Mr Corbett, for whatever reason, he's dissatisfied with the result. But I
29 don't think, as I say, I can enter into a determination based on what is really in
30 substance an appeal on the merits.

31
32 So, for those reasons I think I must refuse the application. All right.

33 MR CORBETT: Before I leave, Judge.

34 JUDGE: Yes.

1 MR CORBETT: Can I get to know on what authority does Dermot Ahern --

2 JUDGE: Yes.

3 MR CORBETT: -- re-define --

4 JUDGE: I can't really go any further. I've given my decision now, Mr Corbett.

5 MR CORBETT: Re-define words in the English language, Judge.

6 JUDGE: Yes. All right so.

7 MR CORBETT: He has no authority to re-define the English language. So, why --

8 JUDGE: Yes.

9 MR CORBETT: Why is that interpretation in there?

10 JUDGE: I'm afraid I can't discuss the judgment with you now that I've given it, Mr
11 Corbett.

12 MR CORBETT: All right. Well, look, --

13 JUDGE: So, thank you.

14 MR CORBETT: -- I want to shake the --

15 JUDGE: Yes.

16 MR CORBETT: -- amount of awkward dust of this courtroom off my feet.

17 JUDGE: Yes. Very good.

18 MR CORBETT: Yes.

19 JUDGE: Thank you. Next case now, please. Yes.

20

21 Case concluded

22

1 Certified to be a complete and correct transcript of the record of the proceedings
2 herein*:

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10 Office Manager

11 Epiq Europe Limited (Ireland)

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13 (*The absence of a dedicated logger in court to provide a detailed log may result in
14 speaker names being omitted or unconfirmed.)

A

about 1:7 4:30 5:1
 absence 7:13
 abusive 3:28 5:10
 acknowledge 3:19
 add 2:15
 adherents 3:29 5:11
 advance 4:31
 affairs 4:24
 affidavit 1:30
 afraid 6:10
 against 4:32
 also 2:7,12,25
 among 3:29 5:11
 amount 6:16
 and
 1:7,10,13,15,20,2
 7,30
 2:6,17,19,25,26,2
 8 3:5,9,12,19
 4:1,2,5,14,22,24,2
 6,27,29,32,33,34
 5:1,3,8,11,12,14,1
 7,19,23,27 7:1
 any 3:28 4:10,32
 5:10,24 6:4
 appeal 5:30
 applicant 5:22
 application 2:25
 4:18,21 5:21,32
 applies 4:7
 are 2:2 3:13 4:11 5:20
 arise 3:6
 article 1:21
 attention 1:18
 authority 1:1,18 3:18
 4:19,22 5:13 6:1,7
 awkward 6:16
 Act 3:2,3,13,26,30 5:8
 After 4:4
 Ahern 1:21 3:2 6:1
 All 1:28,33
 2:7,10,12,14
 3:5,31,32 4:4,16
 5:32 6:6,12
 Anything 2:14
 Apparently 4:19,24

B
 based 1:20 5:29
 basically 2:16
 because 2:22 3:32
 been 1:15 2:21 4:5,6
 being 1:11 7:14
 believe 2:16
 between 3:8
 blasphemous 3:27 5:9
 blasphemy 1:10,23
 2:2,10
 3:5,13,19,20,24,3
 3 4:32 5:2,7,13
 bodies 5:20
 broadcast 4:23,27
 broadcaster's 5:1
 BAI's 4:29
 BAI 1:7 2:2 4:29
 5:6,18,25,27
 Before 2:18 5:20,33
 Broadcasting 1:1,18
 3:18 4:19,22
 But 1:12 2:26
 3:1,2,3,18,31 4:28
 5:2,25,28

C

called 4:23,24
 can't 5:17 6:4,10
 catch 2:10 3:5
 causing 3:29 5:11
 certain 2:21
 challenged 5:20
 claimed 4:31

clearly 2:4
 coming 4:34
 comments 4:30
 complained 3:18
 complaint 1:7
 4:22,29,30,34
 5:21
 complete 7:1
 concerned 2:27
 concluded 6:21
 conducted 4:26
 conflicts 3:5
 considered 5:14
 construction 5:24
 construed 5:23
 contained 3:25,26 5:8
 context 3:31 4:1 5:13
 contradictions 3:5
 correct 1:9,15,16,25
 2:23,26 3:19 7:1
 corrected 1:15
 could 3:11 4:1,9
 5:14,26
 court 5:21 7:13
 courtroom 6:16
 cover 3:33
 cow 3:12
 current 4:24
 Can 4:4,9 5:29 6:1
 Case 6:19,21
 Catholic 4:6
 Certified 7:1
 Christian 4:4,7,11
 Christianity 3:9,12
CORBETT
 1:1,2,3,5,6,9,12,1
 5,18,20,23,25,26,
 28,30,32
 2:2,4,6,10,12,14,1
 6,21,25,29,32,34
 3:2,4,8,11,15,18,2
 3,25,31
 4:1,4,9,12,14,16,1
 8,20,25,26,29,32
 5:7,12,15,28,33
 6:1,3,4,5,7,9,11,1
 2,14,16,18

D

damaging 4:33
 day 2:18,22 3:16 5:2
 decide 5:18
 decision 1:7,20 3:22
 4:19,30
 5:6,13,19,27 6:4
 decisions 5:20
 dedicated 7:13
 define 6:3,5,7
 definition 1:25
 2:2,6,26,28,30,34
 3:13,15,19,24
 4:1,2 5:7,12
 democratic 2:17
 denomination 4:4
 denominations 3:32
 deprived 2:22
 depriving 5:26
 detailed 7:13
 determination
 5:15,26,29
 dictionary 2:31
 did 1:12 2:28
 didn't 3:19
 different 2:7
 disagree 3:12
 discuss 6:10
 discussed 1:11
 discussion 5:7
 dissatisfied 5:28
 document 1:26
 documentation 2:13
 does 6:1

don't 4:14 5:26,29
 dust 6:16
 Defamation 3:3,26
 5:8
 Dermot 1:21 3:2 6:1
E
 effect 5:26
 else 2:14
 enter 5:17,29
 entitled 1:26
 error 2:22 5:25
 essentially 4:34
 even 5:23,25
 everybody 3:33
 example 3:8
 explain 4:14
 Emmett 4:18
 English 6:5,7
 Epiq 7:11
 Europe 7:11

F

fail 4:9
 failed 2:22
 faiths 2:12
 false 1:13 2:17
 far 2:26
 featured 1:10 4:25
 feet 6:16
 following 4:27
 for 1:21 2:12 3:4,11
 4:18,21 5:28,32
 forth 5:4
 from 3:30 4:23
 further 6:4
 February 1:8 4:20

G

gave 3:8
 genuine 5:2
 get 6:1
 give 1:33
 given 1:13 3:15 4:19
 6:4,10
 giving 2:17
 goes 2:16
 good 1:6 4:16 6:17
 got 1:26 2:2,29
 grossly 3:28 5:10
 grounding 1:30 2:29

H

had 5:18
 happens 5:20
 has 6:7
 have 1:28 2:18,29
 3:4,33 4:6
 5:18,23,26,27
 haven't 1:33
 he's 4:21 5:28
 height 5:25
 held 3:28 4:28 5:10
 herein 7:2
 himself 4:25
 his 4:22,30 5:1
 honest 2:27
 host 3:15 4:25
 how 2:26 4:9,14,15
 Hello 1:6
 Hinduism 3:11

I

impartiality 1:27 5:1
 impossible 3:4,33
 inaccurate 5:14
 incorrect 1:20 4:33
 5:3,21,24
 information 1:13,16
 2:18
 informed 2:22
 inside 2:12
 insulting 3:28 5:10

interpretation 1:20
 5:3 6:9
 interviews 4:26
 into 5:17,29
 issue 1:12 3:13,15
 5:6,12,15
 it'd 2:30
 it's 2:29,31
 3:1,2,4,32,33
 4:5,24 5:12
 its 3:31 5:13
 I'm 2:27 3:4 4:7 6:10
 I've 1:6,25,26 2:4,12
 5:7 6:4,10
 Ireland 1:1 4:19 7:11
 Islam 3:9,12

J

judgment 6:10
 judicial 4:18,22
 jurisdiction
 5:19,26,27
 just 1:33 3:8 5:7
JUDGE
 1:2,4,5,6,9,10,14,
 17,19,22,24,26,29
 ,31,33
 2:4,5,9,11,14,20,2
 4,25,28,31,33
 3:1,3,4,5,7,10,13,
 17,22,24,26,31,34
 4:3,7,11,13,16
 5:33,34
 6:2,4,5,6,8,10,13,
 15,17,19

K

know 2:21,25,26 4:5
 6:1

L

language 6:5,7
 largely 4:5
 law 1:23 2:10,30,31
 3:5,8,33 4:2,5
 5:24
 lawfully 5:19
 lax 2:30
 leave 4:18 5:33
 legal 2:6 3:24 4:1
 5:7,22
 like 3:33 4:9,14
 listeners 2:19,21
 log 7:13
 logger 7:13
 look 2:6 6:12
 Limited 7:11

M

made 1:8,20,21 3:2
 4:29,30 5:6,19,21
 maintained 4:32
 majority 4:5
 make 4:20 5:19,27
 matter 5:18
 matters 3:28 5:10
 may 3:5 7:13
 mean 2:16 4:9
 merits 5:17,30
 misleading 1:13 2:17
 5:14
 moment 1:33
 month 4:21
 much 5:23
 must 5:32
 Manager 7:10

N

names 7:14
 not 1:12 2:12
 3:1,2,3,30,32
 5:14,18
 nothing 3:20
 now 6:4,10,19

number 3:29 4:26
 5:11
 Neil 4:23
 Next 6:19
O
 off 6:16
 offence 4:32
 omitted 7:14
 one 1:2,12 3:8
 only 4:1,4,7,9
 open 5:3
 opening 3:4
 opinions 4:33
 other 4:6,10
 out 1:13 2:17,28 3:15
 4:29
 outlined 1:25 2:4,12
 outrage 3:29 5:11
 Objectivity 1:27
 Office 7:10
 Order 4:21

P

page 2:30
 papers 1:7
 paragraph 1:21
 participated 4:27
 particular 5:6,17,22
 people's 4:33
 people 4:26
 period 4:28
 person 3:26 5:8
 please 6:19
 population 4:6
 possible 2:12 3:8,33
 4:14,15
 prescribes 4:21
 presenter's 5:13
 presenter 4:30,31
 principle 5:22
 proceedings 7:1
 process 2:17
 programme 1:10
 4:24,25,26,27
 provide 7:13
 provision 5:22
 provisions 1:21 3:21
 public 2:18 5:20
 publish 3:27 5:9
 publishes 3:27 5:9
 Prendeville 4:23
 Protestant 4:6

Q

question 5:2,18
 quoted 5:6

R

radio 3:15 4:23,24
 rather 2:34 3:32 5:12
 read 1:6
 reality 5:27
 really 5:17,18,29 6:4
 reason 5:28
 reasons 5:32
 record 7:1
 reference 5:13
 referendum 1:10 2:18
 3:20 4:28,31,34
 5:14
 referred 5:7
 refuse 5:32
 refused 1:15
 regulator 5:3
 relation 3:28 5:10
 religion 3:28,30,32
 4:10,32 5:10,11
 religions 2:8 4:7
 remedy 5:3
 remove 3:20
 representer 5:1
 reservations 5:24
 response 5:1

result 5:28 7:13
 review 4:18,22
 right 1:8,11,33 2:14
 4:16 5:32 6:6,12
 Red 4:24
 REGISTRAR 1:1
 Rules 1:27
S
 sacred 3:12,28 5:10
 said 3:11,22 5:13
 same 3:11
 say 2:7 3:27 4:7
 5:9,27,29
 saying 2:2 4:8
 says 3:26 5:8,12,22
 second 1:2 2:30
 see 2:14 4:9,14
 seek 4:18
 seeking 4:22
 seems 4:25
 5:15,17,23,25,27
 seen 1:33
 set 2:28 4:29
 shake 6:14
 short 4:28
 should 2:26
 six 1:21
 some 5:21
 somebody 4:14
 something 3:27 5:9
 sometimes 5:20
 sorry 1:26,28,29 2:28
 4:7
 speaker 7:14
 stage 1:12
 stated 4:31 5:1
 statement 1:30 2:29
 4:33
 station 4:24
 statute 3:1
 statutory 5:22
 stemmed 4:23
 subsequently 4:28
 substance 5:30
 substantial 3:29 5:11
 such 3:8 5:26
 swayed 2:18 4:33
 Show 4:23

T
 take 3:15
 takes 5:12,15
 taking 2:31 3:13
 term 2:7
 than 2:34 3:32
 thanks 4:16
 that's 1:9,12,26,32
 4:14
 that 1:7,8,11,28
 2:2,3,4,12,15,16,2
 8,31,34
 3:4,5,12,19,26,27,
 29,30
 4:7,10,21,25,27,2
 9,30,31,32
 5:1,2,3,6,8,9,11,1
 2,15,20,21,25,28
 6:9,10
 their 3:22 4:34
 then 1:33 2:14
 4:2,7,14
 there 1:12,25,32
 2:13,29 3:5
 5:21,24 6:9
 thereby 3:29 5:10
 they're 2:7
 they've 4:5
 they 1:15,20
 2:7,10,16,22,27
 3:11,19,22,27
 5:6,9
 things 2:7

think 2:4,21,27,30 3:11,31 4:28 5:26,29,32 this 1:10,28,30,33 2:22 3:18 4:5,18,20,32 5:6,17,19,27 6:16 those 5:32 though 5:17 three 4:21 time 1:13 4:20,28 timeframe 4:21 today 3:18 transcript 7:1 two 2:7 Thank 6:13,19 The 1:7,8,10,12,13,16, 18,21,23,25 2:2,6,7,13,17,18,2	1,22,26,29,30,34 3:2,3,11,13,15,16, 18,19,20,22,26,28 ,29,30 4:1,2,5,6,19,20,21 ,22,23,25,27,29,3 0,31,34 5:1,2,3,6,8,11,13, 14,17,18,20,22,24 ,25,26,27,28,30,3 2 6:5,7,10,14 7:1,13 U unchecked 2:16 unconfirmed 7:14 undermine 2:17 understand 1:7 understanded 3:31 understanding 5:2	understood 2:26 3:32 4:4 unsatisfactory 5:12 used 2:7,10 utters 3:27 5:9 V vast 4:5 vote 2:19,22 voters 2:19 votes 4:34 Very 1:6 4:16,28 5:23 6:17 W want 2:15 6:14 was 1:10,12,18 2:34 3:2,8,12,19,20 4:5,19,23,28,30,3 3,34	5:1,3,6,19,21,22,2 3,24,25 way 2:21 4:6 what 1:26 2:7,26,29 3:20,22 4:7 5:29 6:1 whatever 5:28 when 3:18 5:20 where 1:10 2:28 3:11 whether 5:18,19,24 which 2:12,18,22 4:19,23,31,33 5:8,22 with 3:12,13,15,20 4:26 5:7,12,15,28 6:10 within 4:20,21,28 5:25 word 2:6 3:19,20 4:2 words 6:5	would've 1:15 2:21 4:33 would 2:17,18 3:6,11,12,32 4:6 5:25 wrong 2:2 wrongly 4:31 5:23 Well 1:24,30 3:4,13,14,22 4:9,18 6:12 Why 2:25 6:7,9 X Y year 4:20 you're 2:31 4:8 you 1:10,28 2:2,6,15,21,25,28, 29 3:13 4:5,7 6:10,13,19	your 1:7 2:28 Yes 1:4,6,14,17,19,22, 26,31,33,34 2:4,5,9,11,14,16,2 0,24,31,32,33 3:7,10,17,23,34 4:3,12,13,16 5:34 6:2,6,8,15,17,18,1 9 Z 1937 4:5 2009 1:21 3:2,3,14,26,30 5:8 20th 1:8 4:20
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Approved Judgment

**THE COURT OF APPEAL
CIVIL**

[2020 No. 193]

[2020 No. 194]

The President

McCarthy J

Kennedy J

BETWEEN

EMMET CORBETT

APPLICANT

AND

THE PEOPLE AT THE SUIT OF THE DIRECTOR OF PUBLIC PROSECUTIONS

RESPONDENT

AND

EMMET CORBETT

APPLICANT

AND

THE BROADCASTING AUTHORITY OF IRELAND

RESPONDENT

**JUDGMENT of the President delivered (electronically) on the 29th day of July 2021 by
Birmingham P**

1. This is an application to extent time within which to appeal the refusal of an application for leave, made *ex parte*, to seek judicial review. The order of the High Court indicates that the application was made on 13th May 2019 to Noonan J and was refused. The application to seek judicial review related to a decision made by the Broadcasting Authority of Ireland on foot of a complaint submitted to it by the applicant. The decision of the

Broadcasting Authority of Ireland issued during a meeting on 21st January 2019. The applicant's complaint related to a section of a programme on Red FM, the Niall Prendeville Show, of 25th October 2018, that, it being of note, being the day prior to the Referendum on the 37th Amendment to the Constitution.

2. The applicant filed a Notice of Appeal at the Court of Appeal Office on 22nd September 2020, some 16 months after the order of Noonan J was made. On 17th December 2020, after the matter had been included in a Directions List and after counsel on behalf of the respondents had contended that the appeal was not properly before the Court, an application was lodged by the applicant seeking an extension of time. Of some interest is that the application to extend time suggests that the initial application to the High Court was heard on 16th April 2019.

3. The application for leave to extend time is grounded upon an affidavit of Emmet Corbett, the applicant, sworn on 8th December 2020.

4. The operative part of the affidavit is in these terms:

"I would like to apply for an extension of time outside of the 28 days required, to appeal a decision in the High Court that was up for judicial review.

The matter in question was a judicial review of the Broadcasting Authority of Ireland decision not to enforce their own rules concerning a complaint I had made.

The reason I did not appeal within the 28-day timeframe was that I had two matters appearing for judicial review, one was on 15th April 2019, between the Broadcasting Authority of Ireland, and the other was for 24th June 2019, between the Director of Public Prosecutions, both were unsuccessful. When I called the Court of Appeal, they informed me that because my judicial review was *ex parte*, my appeal was confined to the 28-day window. Also, on 27th April 2019, my wife

had a miscarriage on our first pregnancy which had an effective psychological blow. As a result, my time was spent comforting my wife and my judicial review was not at the forefront of my mind, nor did it come to my attention some months later that it did actually have to appeal within 28 days.”

5. The starting point for consideration of applications to extend time to appeal has long been seen as the well-known case of *Eire Continental v Clonmel Foods*, where Lavery J had set out three conditions which he believed were proper matters for the consideration of the Court, these being:

- (i) The applicant must show that he had a *bona fide* intention to appeal formed within the permitted time.
- (ii) He must show the existence of something like mistake and that mistake as to procedure and in particular the mistake of counsel or solicitor as to the meaning of the relevant rule was not sufficient.
- (iii) He must establish that an arguable ground of appeal exists.”

6. The issue has been the subject of further consideration by the Supreme Court in recent times, including in the case of *Seniors Money Mortgages (Ireland) DAC v Gattely & Anor.*

[2020] IESC 3. There, O'Malley had commented:

“58. It was clear from the terms of the judgment of Lavery J. in *Eire Continental* that while the Court saw the three matters identified by counsel as ‘proper matters for the consideration of the court’, although even in that respect modifying them to some extent, the essential point was the necessity to consider all of the relevant circumstances.

59. The jurisprudence of this Court consistently demonstrates this approach in such cases.”

Of note is that in *Seniors Money Mortgages (Ireland) DAC v Gattely & Anor.*, O'Malley J, at para. 65, had addressed the question of the relevance of an appeal being substantially out of time. She did so as follows:

“65. By the same token it seems to me that, given the importance of bringing an appeal in good time – the desirability of finality in litigation, the avoidance of unfair prejudice to the party in whose favour the original ruling was made, and the orderly administration of justice – that the threshold of arguability may rise in accordance with the length of the delay. It would not seem just to allow a litigant to proceed with an appeal, after an inordinate delay, purely on the basis of an arguable or stateable technical ground. Since the objective is to do justice between the parties, long delays should, in my view, require to be counterbalanced by grounds that go to the justice of the decision sought to be appealed. Not every error causes injustice.”

7. Looking at the facts in the present case, a number of matters arise. The order of the High Court states that the application was moved on 13th May 2019, though the applicant has referred to 15th April 2019. Either way, the application was not brought with great expedition since the decision sought to be challenged was taken at a meeting of the Broadcasting Authority of Ireland in January 2019.

8. It is not clear from the papers on precisely what basis the applicant contends that he should be granted leave to seek judicial review, and more particularly, why he should, at this point in time, be permitted to seek judicial review.

9. It appears from the papers that the applicant has complaints about remarks which he says were made by the presenter. His complaint is that the radio presenter wrongly stated that blasphemy was an offence against any religion. In the course of his complaint to the Broadcasting Authority of Ireland, he asserted that this was a damaging and incorrect statement which would have swayed people's opinions and their vote in the then upcoming

Referendum. The complainant was of the view that the presenter failed to be impartial and that this, together with the incorrect information that he provided, resulted in a programme that was not objective, fair or impartial.

10. In summary, it seems to me that this is a case where, having regard to the significant delay, one might say, egregious delay, that the applicant would bear the burden of establishing a strong, arguable case. To my mind, he has not established with any clarity just what is his case. I have commented about the extent of delay, but it seems an inevitable conclusion that the applicant was content to let matters lie until he found it convenient to take the matter up again. It does not seem to me that this is an acceptable way to conduct business before the courts.

11. Overall, it seems to me that the applicant has failed to bring himself within any of the limbs of the traditional *Eire Continental v Clonmel Foods* test. This is a case where there has been very considerable delay, delay that can be categorised as inordinate. While Mr. Corbett contends that the Broadcasting Authority of Ireland approached his complaint on an incorrect legal basis, I am far from persuaded that is the case.

12. On the contrary, it seems to me that the Broadcasting Authority of Ireland acted very appropriately in taking guidance from the views of the Referendum Commission which they quoted as having stated “the legal definition of blasphemy is contained in the Defamation Act 2009. The Act says that a person publishes or utters something blasphemous if they publish or say something that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion”. This let the BAI to observe “therefore, the presenter’s reference to blasphemy in the context of the Referendum could not be considered as inaccurate or misleading”.

13. I am firmly of the view that the interests of justice would not be served by extending time. All that would achieve would be to permit the bringing of proceedings which could never achieve anything.

14. Accordingly, I would refuse the application to extend time.

Approved Judgment

George Thompson
28th Sept 2021

No Redaction Needed

A COPY WHICH I ATTEST
Michael Fitzgerald
FOR REGISTRAR



THE SUPREME COURT

DETERMINATION

BETWEEN/

EMMETT CORBETT

Applicant

AND

BROADCASTING AUTHORITY OF IRELAND

Respondent

Neutral Citation: [2022] IESCDET 94

Supreme Court Record No.: S:AP:IE:2021:000099

Court of Appeal Record No.: A:AP:IE:2020:000194

High Court Record No.: 2019 No. 224 JR

Date of Determination: Thursday, 28th July 2022

Composition of Court: Dunne J., O'Malley J., Baker J.

Status: Approved

APPLICATION FOR LEAVE TO APPEAL TO WHICH ARTICLE 34.5.3° OF THE CONSTITUTION APPLIES

RESULT: The Court does not grant leave to the Applicant to appeal to this Court from the Court of Appeal.

ORDER SOUGHT TO BE APPEALED

COURT: COURT OF APPEAL
DATE OF JUDGMENT OR RULING: 29 TH JULY 2021
DATE OF ORDER: 29 TH JULY 2021
DATE OF PERFECTION OF ORDER: 12 TH AUGUST 2021
THE APPLICATION FOR LEAVE TO APPEAL WAS MADE ON 24 TH AUGUST 2021 AND WAS IN TIME.

REASONS GIVEN:

General Considerations

1. The general principles applied by this court in determining whether to grant or refuse leave to appeal, having regard to the criteria incorporated into the Constitution as a result of the Thirty-third Amendment, have now been considered in a large number of determinations and are fully addressed in both a determination issued by a panel consisting of all of the members of this court in *B.S. v. Director of Public Prosecutions* [2017] IESCDET 134, (Unreported, Supreme Court, 6 December 2017) and in a unanimous judgment of a full court delivered by O'Donnell J. in *Quinn Insurance Ltd. v. PricewaterhouseCoopers* [2017] IESC 73, [2017] 3 I.R. 812. Accordingly, it is unnecessary to revisit the new constitutional architecture for the purpose of this determination.
2. Furthermore, the application for leave filed and the respondent's notice are published along with this determination (subject only to any redaction required by law) and it is

therefore unnecessary to set out the position of the parties in any detail. No aspect of this ruling has precedential value as a matter of law.

Background

3. This is an application for leave to appeal a decision of the Court of Appeal refusing to grant an extension of time to appeal from a refusal to grant leave to seek judicial review of a decision of the Broadcasting Authority of Ireland (“BAI”). That decision related to a complaint made by the applicant about comments made on the Neil Prendeville Show broadcast on RedFM. The applicant complained that during the show a guest wrongly stated that blasphemy is an offence against any religion. The applicant considered that this was a damaging and incorrect statement which could have swayed people’s opinions and their votes in the then upcoming referendum concerning Article 40.6 of the Constitution.
4. The BAI responded to this complaint by considering the legal definition of blasphemy as contained in the Defamation Act 2009 which made reference to blasphemy of “any religion”. The applicant took issue with the wide scope of this definition: he considered that blasphemy should be defined in respect of Christian denominations only. He then sought to make an *ex parte* application for judicial review against the respondent.
5. In its judgment on 13th May 2019, the High Court refused the application for leave to judicially review this decision. Noonan J. held that he had “reservations as to whether there was any incorrect construction of the law by the BAI” but that even if there was, the height of this “would be an error within jurisdiction.”
6. The applicant then sought to appeal this decision some 16 months later to the Court of Appeal. The first issue before that Court was whether the applicant ought to be granted an extension of time in which to bring such an appeal. In considering this

question the court set out first the well-established principles pertaining to applications to extend time to appeal. The Court noted that it was unclear from the applicant's papers precisely on what basis the applicant contended that he should be granted leave and why, at that late date, he should be permitted to have his application for leave considered. In light of the "egregious delay" in bringing the appeal and the lack of an arguable case, the Court concluded that none of the traditional limbs in *Eire Continental v Clonmel Foods* [1955] IR 170, had been satisfied. It also had regard to the recent decision of this Court in *Seniors Money Mortgages (Ireland) DAC v Gately and Anor.* [2020] IESC 3. It accordingly held that the application for an extension of time should be refused.

Application for leave

7. The applicant now seeks to appeal to this Court. In his application for leave to appeal the applicant under the heading of Matter of General Public Importance complains, *inter alia*, that the BAI erroneously misinterpreted the term "blasphemy" and used the term "all religion" which he says is in "clear conflict with the Preamble of the Irish Constitution." In a cover letter to his application, Mr. Corbett makes further submissions on this issue. The applicant further requests that a reference be sent to the Court of Justice of the European Union on this matter, stating that "due consideration" had not been given to the case and reiterating his arguments previously relied on under the heading of Matter of General Public Importance.
8. The BAI was heard before the Court of Appeal and opposes leave to appeal. It argues that this appeal does not raise any matter of general public importance. BAI submit that the applicant has failed to engage with the subject matter of the Court of Appeal order, namely, refusing an extension of time to appeal against a refusal to grant leave for judicial review. BAI also note that the application for leave to appeal has been

brought by the applicant a considerable time after the Court of Appeal delivered its judgment. Finally, BAI consider that a reference to the Court of Justice of the European Union would not be appropriate as there is no matter by reason of which it would be necessary to make such a reference.

Extension of time

9. It should further be noted that the Respondent seeks an extension of time for the filing of the Respondent's Notice, noting that the Application for Leave was served on them on 1st December 2021 even though it was dated the 24th August 2021. Accordingly, the respondent could not reply within the six-week period permitted under the Rules of the Superior Courts. In these circumstances, it is appropriate to extend time.

Decision

10. The matters referred to by the applicant in his Application for leave to appeal under the headings of matters of general public importance and in respect of a proposed reference to the CJEU relate to the substantive issues which the applicant sought to litigate by way of judicial review proceedings against the BAI. However, the judgment of the Court of Appeal was not concerned with the substantive issues in the proceedings. It was considering an application by the applicant to extend the time within which to appeal from the decision of the High Court refusing him leave to apply for judicial review of the decision of the BAI. It is clear from the decision of the Court of Appeal, that that Court had regard to well established case law concerning such applications. The applicant has not addressed the judgment of the Court of Appeal and its reasons for refusing leave to appeal. The applicant by means of a cover letter sought to put additional information before this Court. This is not an appropriate course to take and does not comply with the practice and procedure of this Court in relation to applications for leave to appeal. The additional information does not put

forward any reason to demonstrate that the decision of the Court of Appeal was wrong in its refusal to extend time. In any event, this Court is satisfied that the applicant has not put forward any matter of general public importance which necessitates an appeal to this Court. Equally, there is no matter put forward which could require a reference to the CJEU. The applicant has therefore not met the constitutional threshold for an appeal to this Court.

11. The Court therefore refuses leave to appeal.

And it is hereby so ordered accordingly.



The Proclamation of Independence States

"We place the cause of the Irish Republic under the protection of the Most High God."

According to Article 35.2 of the Constitution "All judges shall be independent in the exercise of their judicial functions and subject only to this Constitution and the law." Every person appointed a judge must take the oath set out in Article 34.6.1 of the Constitution as follows:

The Judges Oath

"In the presence of Almighty God, I do solemnly and sincerely promise and declare that I will duly and faithfully and to the best of my knowledge and power execute the office of Chief Justice (or as the case may be) without fear or favour, affection or ill-will towards any man, and that I will uphold the Constitution and the laws. May God direct and sustain me."



SUPREME COURT



Record No: 2021/000100

Court of Appeal Record No: 2020/193

High Court Record No: 2019 398 JR

BETWEEN:

EMMETT CORBETT

Appellant

-and-

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

COVER LETTER

Following the delay in receiving transcripts and Approved Judgments late, I was unable to address the following points in my initial Supreme court application, as I would have exceeded the time limit allowed by the court, if I were to wait. As this is a matter that was out of my control, and no fault of my own, I would like to highlight the subsequent points.

On the 24th of June 2019, I Emmett Corbett had made a High Court application for a judicial review, before Justice Seamus Noonan, concerning the Director of Public Prosecutions refusal to prosecute the unconstitutional offence of Blasphemy via offensive literature, which displayed disregard for long-established Irish law, and Christian heritage, by contemptuously suggesting that the advent of Christ, was indeed blasphemous within their standard of faith.

In page 1 of the transcript, line 10-11, I referenced article 40.6 of the Irish Constitution, which states in part, “the publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law”. Page 3:13-18 of the transcript, shows the DPP “considered the offence of blasphemy contrary to section 36 of the Defamation Act and displaying and distributing offensive material contrary to section 7 of the Criminal Justice Public Order Act 1994. She concluded that no offence was disclosed on the facts”.

Considering the referenced sections, which outline grossly abusive, or insulting in relation to religious matters, in section 36 of the Defamation Act 2009, and section 7 of the Criminal Justice Public Order Act which states, it shall be an offence for any person in a public place to distribute or display any writing, sign or visible representation which is threatening, abusive, insulting or obscene, no prosecutions were brought forth.

However, I fail to grasp how this can be the case, seeing that the people of Ireland have venerated the sacred holiday of Christmas, for centuries, which celebrates the advent of the Lord Jesus Christ, as God with us, with the placement of the crib throughout every facet of Irish society. Then, to have literature openly distributed, stating that the belief of “God incarnate in any human being” is blasphemous by their standards, and inferencing that they have the remedy to our religious folly, in exchange for their patronage, is indeed insulting as outlined not only in the said sections, but also in accordance with Article 40.6 of the Irish Constitution.

To bolster this Constitutional point of law, I refer to The Preamble of the Irish Constitution, which in part states, “In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial” .

Thus, the law of the Irish people, can only be observed through the lens of Christianity.

Justice Seamus Noonan stated in the High Court, as can be seen on page 4 of the transcript, lines 20-22, “And as I’ve often noted in this court, the law of judicial review is not concerned with the merits of a decision, but merely on grounds of whether the decision was made lawfully or not”.

In the transcript, Page 4:27-30, when speaking of my challenge, Judge Seamus Noonan states, "But it seems to me that he really hasn't advanced any ground on which the Court would be able to conclude that there was any basis for suggesting that the Director had unlawfully taken the decision not to prosecute".

However, this was not an appeal on the merits, but rather an appeal on Constitutional law, thus Judge Noonan's judgment did not reflect that the DPP, decision was in conflict with the Article 40.6 of the Irish Constitution, and did not harmonize with the Pre-Amble of the Constitution.

This was brought to Judge Noonan's attention, as seen on page 2:23 of the transcript, hence such a disregard for the afore mentioned facts, render the Courts judgement unconstitutional.

Neither was there thorough consideration giving to Section 7 of the Criminal Justice Public Order Act 1994, and Section 36 of the Defamation Act.

On page 2, in the Approved Judgment, President George Birmingham, on the 29th of July 2021 in The Court of Appeal, referenced De Blacam on judicial review (Bloomsbury Professional 2016) where, at para, 5-17, he comments; "The Office of The Director of Public Prosecutions was established by section 2 of the Prosecutions Offences Act 1974, and by section 3 of the same Act, virtually all of the function formally exercised by the Attorney General in relation to criminal matters were transferred to him. Although the reviewability of a decision of the DPP whether or not to prosecute was established in State (*McCormack*) v *Curran*, it is clear, nonetheless, that review lies on very limited grounds. The authorities indicate that it may take place only when the Director has acted *mala fides*, has been influenced by improper, motive or policy or when he has abdicated his functions"

Although there has been no formal abdication by the Director of Public Prosecutions, there was most certainly an abandonment of duty to the Irish people, by refusing to engage in the democratic process, and present itself before the court, also due to the DPP refusal to recognise Article 40.6 of the Irish constitution, and the constitutional spirit of the Pre-Amble.

The DPP snub to participate in the judicial process, during the Court of Appeal case management, and hearing, even when they were served with all the required documentation, demonstrates the shirking of grave responsibilities, entrusted to the Director of Public Prosecutions.

In doing so the DPP has established conduct of bad faith, contrary to its policy.

I do believe, such actions, or rather lack of, do qualify as *mala fides*, which was overlooked by the Appeal Court, who never requested that the DPP should present themselves before the Court.

Thus, The High Court, and The Court of Appeal, did not give due consideration to The Director of Public Prosecutions, refusal to enforce Constitutional law. In view of the above, President George Birmingham in the Appeal Court approved judgment, stated, "Thus, the timeframe broadly follows that outlined in the Broadcasting Authority of Ireland case. Once more, there has been very considerable delay, in this case, it seems to be beyond argument that the decision of the Director not to prosecute was a decision that was open to her".

It is a peculiar precept for the Irish public to ponder, that when evidence and points of law are disregarded, without addressing the facts presented, and failure to acknowledge a Court of Appeal hearing was manifest, that the President presiding over the Appeal Court, should say, when speaking of Lynda Mullins decision, "the decision of the Director not to prosecute was a decision that was open to her".

Also, there was no reference to having a time limit on constitutional justice, as I do believe that such a time limit, would in itself be unconstitutional.

In conclusion, accountability to the negligent, is justice to the neglected.

Emmett Corbett

Bill No: 2019 398 JR

THE HIGH COURT
BEFORE THE HONOURABLE MR JUSTICE SEAMUS NOONAN

24 June 2019

EMMETT CORBETT

v.

DIRECTOR OF PUBLIC PROSECUTIONS

For the Plaintiff:

Mr E Corbett (lay litigant)

Emmett Corbett v. DPP
24 June 2019

INDEX

<u>Proceedings</u>	<u>Pages</u>
Application by Mr Corbett	1 - 2
Judgment	2 - 5

1 REGISTRAR: Corbett v. the DPP.

2 JUDGE: Oh, yes. Hello, Mr Corbett, again. Yes.

3 MR CORBETT: Hello, Judge, again.

4 JUDGE: Yes. So, Mr Corbett, I read your papers. You're challenging a decision of
5 the DPP not to prosecute a gentleman who was involved in the promotion of the
6 Islamic religion, as I understand.

7 MR CORBETT: No, it's not the promotion. It was the anti-Christian rhetoric which
8 was in the leaflets they gave out.

9 JUDGE: In the leaflets that this gentleman was distributing. Yes.

10 MR CORBETT: Yes. I mean, it was their decision not to prosecute for the offence
11 of blasphemy, according to article 40.6 of the Constitution.

12 JUDGE: Yes.

13 MR CORBETT: And ignoring constitutional justice. The amount -- I mean, they're
14 basically saying that -- they were there over Christmas time in a place called the
15 English Market in Cork city centre.

16 JUDGE: Yes, I know it well. Yes.

17 MR CORBETT: Yes. A lot of elderly people would be going there to do their
18 shopping. And --

19 JUDGE: Yes.

20 MR CORBETT: -- they were there and handing out leaflets saying that the advent of
21 Christ essentially never happened.

22 JUDGE: Yes.

23 MR CORBETT: And that it's blasphemy, from their standpoint, that god would be
24 incarnate in any man, so.

25 JUDGE: Yes. And what do you say, just so that I understand it, Mr Corbett? What
26 do you say that the Director of Public Prosecutions did that was unlawful?

27 MR CORBETT: So, about what I'll say, like, the long-held traditions cherished by
28 the indigenous Irish people for centuries. And that's always, you know, our way of
29 life. It's always what we believe. And, you know, celebration of Christmas, the
30 placement of the crib in public, you know. And effectively rubbishing our most
31 sacred holiday. And, you know, it's said that the advent of Christ did not happen,
32 that's what they're saying. They say that it's blasphemy. They do this all the time
33 there. And it's insensitive to the host population. And the DPP said the reason for
34 this was contrary to section 36 of the Defamation Act 2009.

1 JUDGE: Yes.

2 MR CORBETT: And section 7 of the Criminal Justice Act 1994.

3 JUDGE: Yes. I saw that, yes.

4 MR CORBETT: But I mean, when I read them, they say, you know, they cover
5 grossly abusive or insulting in relation to religious matters.

6 JUDGE: And is this still going on, Mr Corbett?

7 MR CORBETT: No. Well, like, as you see in exhibits, Judge, I wrote to them
8 asking them, you know, to explain, because I don't understand, and they never
9 answered the question.

10 JUDGE: No, I meant is the distribution of these leaflets still happening?

11 MR CORBETT: Yes, it's happening. Yes, it's happening.

12 JUDGE: Sporadically, is it, yes?

13 MR CORBETT: No, they're there, they're there every weekend. And there's no one
14 there to protect. Like, the people who are employed to protect the, you know, the
15 people, there's no one there if they protect them. There's no one there to stop them
16 and they're left do this. And if it was the other way around and we were doing it,
17 there'd be big deal made about it. And like, this, like, it's elderly people here. And
18 they're just -- I think -- I guess it's -- well, I feel bothered like. But I'm the only one
19 that has to make a big deal about this.

20 JUDGE: Yes.

21 MR CORBETT: Other people should be -- and it should, I mean, it should be
22 enforced, and it should be policed. And I mean, the DPP have just ignored it.
23 They've failed in their duty. And I've no need to remind you, Judge, the preamble to
24 the Constitution which was given to us in the most holy trinity, which all matters
25 must be referred, the holy trinity and the hapless aspect of the trinity was to be our
26 lord Jesus Christ.

27 JUDGE: Yes, all right. Well, thank you very much, Mr Corbett. Well, this is an
28 application brought by Mr Emmett Corbett who lives in Cork. And he's seeking to
29 judicially review the decision of the Director of Public Prosecutions which was made
30 on the 4th of April 2019 not to prosecute certain individuals, it would appear, of the
31 Islamic faith who are handing out leaflets in the English Market in Cork. And Mr
32 Corbett has taken exception to those leaflets. He considers them to have been
33 blasphemous of the Christian religion. And arising out of that, he made a complaint
34 to the gardaí for the purposes of prosecuting the persons in question for what, as I

1 say, he considers to have been the dissemination of blasphemous material. And a
2 file was sent, it would appear, to the Director of Public Prosecutions. And ultimately
3 a decision was made by the Director not to bring a prosecution. And Mr Corbett was
4 dissatisfied with that decision and he questioned it and he asked for a review, or,
5 rather, he requested a summary of the reasons from the Director as to why she was
6 not bringing forward this prosecution.

7
8 And in a letter of the 25th of January 2019 Ms Linda Mullen, a principal prosecutor
9 in the office of the Director, sent detailed reasons in writing to Mr Corbett for the
10 decision not to bring forward the prosecution, and those reasons are set out in that
11 letter. And under the heading of 'Reason for Not Prosecuting' the Director's official
12 says: "When the gardaí completed their investigation of your complaint they sent an
13 investigation file to this office. One of our lawyers examined this file in line with
14 our guideline for prosecutors. She considered the offence of blasphemy contrary to
15 section 36 of the Defamation Act and displaying and distributing offensive material
16 contrary to section 7 of the Criminal Justice Public Order Act 1994. She concluded
17 that no offence was disclosed on the facts, and for this reason she decided not to
18 prosecute." And then the letter goes on to give details of the provisions of both
19 section 36 of the Defamation Act and section 7 of the Criminal Justice Public Order
20 Act. And she concludes by saying that: "There was no evidence that the leaflets
21 contained material that was threatening, abusive or obscene or that the distribution or
22 displaying of these leaflets was done within intent to provoke breach of the peace.
23 Again, the offence is not made out from the facts." And then the letter goes on to
24 explain the high standard of proof that's required in criminal investigations, and --
25 sorry, criminal prosecutions. And he was sent -- Mr Corbett was sent the letter and
26 information booklet on the decision of the -- or rather, generally in relation to the
27 matters that the DPP takes into account in deciding to bring a prosecution.

28
29 So, the letter concluded then that he was entitled to look for a review of that
30 decision. And Mr Corbett did look for that review, and that review was conducted,
31 and the outcome was communicated to Mr Corbett on the 4th of April 2019, again by
32 letter from the DPP's office. And it is that decision that Mr Corbett seeks to
33 judicially review in this application that is now before the Court. That letter was sent
34 from another member of the DPP's team, Mr Ronan O'Neill, who's described as the

1 Senior Principal Prosecutor and Head of Victims Liaison Unit. And Mr O'Neill says
2 that he was assigned for review of the decision, was not involved in making the
3 original decision, and that he had now reviewed all of the evidence and decided that
4 the decision not to prosecute was correct and should stand. And then he set out
5 details of the guidelines for prosecutors that the lawyers in the DPP's office must
6 abide by, and, in particular, that the guidelines state that a prosecution should not be
7 taken unless there is admissible, substantial and reliable evidence that a criminal
8 offence has been committed by the suspect. The evidence must be strong enough so
9 that a jury could conclude beyond reasonable doubt that the accused was guilty of
10 the offence charged. "Having reviewed the evidence in relation to your complaint I
11 am satisfied that the original decision was made in accordance with our guidelines
12 for prosecutors." And he concludes saying: "I would like to assure you that the
13 decision not to prosecute was made only after very careful consideration of all the
14 evidence in relation to your complaint."
15

16 So, that is the decision that Mr Corbett now seeks to challenge by way of judicial
17 review. And in order to be given permission to seek judicial review, Mr Corbett
18 would have to establish that he has arguable grounds to show that this decision, not
19 just that it was a wrong decision, but it was made unlawfully and without
20 jurisdiction. And as I've often noted in this court, the law of judicial review is not
21 concerned with the merits of a decision, but merely on grounds of whether the
22 decision was made lawfully or not. And Mr Corbett, who seems to be a very
23 conscientious gentlemen and has particular concerns about protecting the public
24 from what he sees as undesirable material, perhaps not unsurprisingly he's not happy
25 with the outcome of the case. But it seems to me really that his complaint before the
26 Court today is one in relation to the merits. He believes that the Director should
27 have prosecuted this person or persons distributing the leaflets. But it seems to me
28 that he hasn't really advanced any ground on which the Court would be able to
29 conclude that there was any basis for suggesting that the Director had unlawfully
30 taken the decision not to prosecute. Clearly that was a matter within the considerable
31 discretion of the Director. The Director has to, in each case, assess whether or not -
32 even though perhaps criminal activity might be prima facie disclosed - whether or
33 not there is a realistic prospect of obtaining a conviction if a prosecution were
34 brought. And for that reason, sometimes it's obviously difficult for complainants to

1 understand why perhaps a decision not to prosecute is taken. But in effect, it seems
2 to me that Mr Corbett really wishes to appeal to this court on the merits. And of
3 course, this court is not an appellate court for matters of this nature but is purely
4 confined to its supervisory jurisdiction in relation to the legality of decisions of
5 inferior tribunals and bodies.

6

7 So, it seems to me therefore, that regrettably I can't help Mr Corbett. I don't think
8 there is any basis upon which the Court would be justified in giving leave in this
9 case. So, I must refuse the application.

10

11 All right. Thanks very much, Mr Corbett.

12

13 Case concluded

14

1 Certified to be a complete and correct transcript of the record of the proceedings
2 herein*:

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9

10 Office Manager

11 Epiq Europe Limited (Ireland)

12

13 (*The absence of a dedicated logger in court to provide a detailed log may result in
14 speaker names being omitted or unconfirmed.)

A

abide 4:6
 able 4:28
 about 1:27 2:17,19
 4:23
 absence 6:13
 abusive 2:5 3:21
 accordance 4:11
 according 1:11
 account 3:27
 accused 4:9
 activity 4:32
 admissible 4:7
 advanced 4:28
 advent 1:20,31
 after 4:13
 again 1:2,3 3:23,31
 always 1:28,29
 amount 1:13
 and
 1:13,18,20,23,25,
 28,29,30,31,33
 2:2,6,8,13,16,17,2
 1,22,23,25,28,31,
 33
 3:1,2,3,4,8,10,11,
 15,17,18,19,20,23
 ,24,25,30,31,32
 4:1,3,4,6,7,12,17,
 19,20,22,23,34
 5:2,5 6:1
 another 3:34
 answered 2:9
 anti 1:7
 any 1:24 4:28,29 5:8
 appeal 5:2
 appear 2:30 3:2
 appellate 5:3
 application 2:28 3:33
 5:9
 are 2:14,31 3:10
 arguable 4:18
 arising 2:33
 around 2:16
 article 1:11
 asked 3:4
 asking 2:8
 aspect 2:25
 assess 4:31
 assigned 4:2
 assure 4:12
 Act 1:34 2:2
 3:15,16,19,20
 All 1:32 2:24,27
 4:3,13 5:11
 April 2:30 3:31
B
 basically 1:14
 basis 4:29 5:8
 because 2:8
 been 2:32 3:1 4:8
 before 3:33 4:25
 being 6:14
 believe 1:29
 believes 4:26
 beyond 4:9
 big 2:17,19
 blasphemous 2:33 3:1
 blasphemy 1:11,23,32
 3:14
 bodies 5:5
 booklet 3:26
 both 3:18
 bothered 2:18
 breach 3:22
 bring 3:3,10,27
 bringing 3:6
 brought 2:28 4:34
 but 2:4,18
 4:19,21,25,27
 5:1,3

C

called 1:14
 can't 5:7
 careful 4:13
 celebration 1:29
 centre 1:15
 centuries 1:28
 certain 2:30
 challenge 4:16
 challenging 1:4
 charged 4:10
 cherished 1:27
 city 1:15
 committed 4:8
 communicated 3:31
 complainants 4:34
 complaint 2:33 3:12
 4:10,14,25
 complete 6:1
 completed 3:12
 concerned 4:21
 concerns 4:23
 conclude 4:9,29
 concluded 3:16,29
 5:13
 concludes 3:20 4:12
 conducted 3:30
 confined 5:4
 conscientious 4:23
 considerable 4:30
 consideration 4:13
 considered 3:14
 considers 2:32 3:1
 constitutional 1:13
 contained 3:21
 contrary 1:34 3:14,16
 conviction 4:33
 correct 4:4 6:1
 could 4:9
 course 5:3
 court 3:33 4:20,26,28
 5:2,3,8 6:13
 cover 2:4
 crib 1:30
 criminal 2:2
 3:16,19,24,25
 4:7,32
 Case 4:25,31 5:9,13
 Certified 6:1
 Christ 1:21,31 2:26
 Christian 1:7 2:33
 Christmas 1:14,29
 Clearly 4:30
 Constitution 1:11
 2:24
 Corbett
 1:1,2,3,4,7,10,13,
 17,20,23,25,27
 2:2,4,6,7,11,13,21
 ,27,28,32
 3:3,9,25,30,31,32
 4:16,17,22
 5:2,7,11
 Cork 1:15 2:28,31
D
 deal 2:17,19
 decided 3:17 4:3
 deciding 3:27
 decision 1:4,10 2:29
 3:3,4,10,26,30,32
 4:2,3,4,11,13,16,1
 8,19,21,22,30 5:1
 decisions 5:4
 dedicated 6:13
 described 3:34
 detailed 3:9 6:13
 details 3:18 4:5
 did 1:26,31 3:30
 difficult 4:34
 disclosed 3:17 4:32
 discretion 4:31

displaying 3:15,22
 dissatisfied 3:4
 dissemination 3:1
 distributing 1:9 3:15
 4:27
 distribution 2:10 3:21
 doing 2:16
 don't 2:8 5:7
 done 3:22
 doubt 4:9
 duty 2:23
 Defamation 1:34
 3:15,19
 Director's 3:11
 Director 1:26 2:29
 3:2,3,5,9
 4:26,29,31
 DPP's 3:32,34 4:5
 DPP 1:1,5,33 2:22
 3:27

E

each 4:31
 effect 5:1
 effectively 1:30
 elderly 1:17 2:17
 employed 2:14
 enforced 2:22
 enough 4:8
 entitled 3:29
 essentially 1:21
 establish 4:18
 even 4:32
 every 2:13
 evidence 3:20
 4:3,7,8,10,14
 examined 3:13
 exception 2:32
 exhibits 2:7
 explain 2:8 3:24
 Emmett 2:28
 English 1:15 2:31
 Epiq 6:11
 Europe 6:11
F
 facts 3:17,23
 failed 2:23
 faith 2:31
 fascia 4:32
 feel 2:18
 file 3:2,13
 for 1:10,28,33 2:34
 3:4,9,11,14,17,29,
 30 4:2,5,12,29,34
 5:3
 forward 3:6,10
 from 1:23
 3:5,23,32,34 4:24

G

gardai 2:34 3:12
 gave 1:8
 generally 3:26
 gentleman 1:5,9
 gentlemen 4:23
 give 3:18
 given 2:24 4:17
 giving 5:8
 god 1:23
 goes 3:18,23
 going 1:17 2:6
 grossly 2:5
 ground 4:28
 grounds 4:18,21
 guess 2:18
 guideline 3:14
 guidelines 4:5,6,11
 guilty 4:9

H

had 4:3,29
 handing 1:20 2:31
 hapless 2:25

happen 1:31
 happened 1:21
 happening 2:10,11
 happy 4:24
 has 2:19,32
 4:8,18,23,31
 hasn't 4:28
 have 2:22,32 3:1
 4:18,27
 he's 2:28 4:24
 heading 3:11
 held 1:27
 help 5:7
 here 2:17
 herein 6:2
 high 3:24
 his 4:25
 holiday 1:31
 holy 2:24,25
 host 1:33
 Having 4:10
 Head 4:1
 Hello 1:2,3
I
 ignored 2:22
 ignoring 1:13
 incarnate 1:24
 indigenous 1:28
 individuals 2:30
 inferior 5:5
 information 3:26
 insensitive 1:33
 insulting 2:5
 intent 3:22
 into 3:27
 investigation 3:12,13
 investigations 3:24
 involved 1:5 4:2
 it's 1:7,23,29,31,32,33
 2:11,17,18 4:34
 its 5:4
 I'll 1:27
 I'm 2:18
 I've 2:23 4:20
 Ireland 6:11
 Irish 1:28
 Islamic 1:6 2:31
J
 judicial 4:16,17,20
 judicially 2:29 3:33
 jurisdiction 4:20 5:4
 jury 4:9
 just 1:25 2:18,22 4:19
 justified 5:8
 January 3:8
 Jesus 2:26
 Justice 1:13 2:2
 3:16,19
 JUDGE
 1:2,3,4,9,12,16,19
 ,22,25
 2:1,3,6,7,10,12,20
 ,23,27

K
 know
 1:16,28,29,30,31
 2:4,8,14
L
 law 4:20
 lawfully 4:22
 lawyers 3:13 4:5
 leaflets 1:8,9,20
 2:10,31,32
 3:20,22 4:27
 leave 5:8
 left 2:16
 legality 5:4
 letter
 3:8,11,18,23,25,2
 9,32,33

life 1:29
 like 1:27 2:7,14,17,18
 4:12
 line 3:13
 lives 2:28
 log 6:13
 logger 6:13
 long 1:27
 look 3:29,30
 lord 2:26
 lot 1:17
 Liaison 4:1
 Limited 6:11
 Linda 3:8
M
 made 2:17,29,33
 3:3,23
 4:11,13,19,22
 make 2:19
 making 4:2
 man 1:24
 material 3:1,15,21
 4:24
 matter 4:30
 matters 2:5,24 3:27
 5:3
 may 6:13
 mean 1:10,13
 2:4,21,22
 meant 2:10
 member 3:34
 merely 4:21
 merits 4:21,26 5:2
 might 4:32
 most 1:30 2:24
 much 2:27 5:11
 must 2:25 4:5,8 5:9
 Manager 6:10
 Market 1:15 2:31
 Mullen 3:8
N
 names 6:14
 nature 5:3
 need 2:23
 never 1:21 2:8
 not 1:5,7,10,31 2:30
 3:3,6,10,11,17,23
 4:2,4,6,13,18,20,2
 2,24,30,31,33
 5:1,3
 noted 4:20
 now 3:33 4:3,16

O

obscene 3:21
 obtaining 4:33
 obviously 4:34
 offence 1:10
 3:14,17,23 4:8,10
 offensive 3:15
 official 3:11
 often 4:20
 omitted 6:14
 one 2:13,15,18 3:13
 4:26
 only 2:18 4:13
 order 3:16,19 4:17
 original 4:3,11
 our 1:28,30 2:25
 3:13,14 4:11
 out 1:8,20 2:31,33
 3:10,23 4:4
 outcome 3:31 4:25
 over 1:14
 O'Neill 3:34 4:1
 Office 3:9,13,32 4:5
 6:10
 Other 2:16,21
P
 papers 1:4
 particular 4:6,23

peace 3:22
 people 1:17,28
 2:14,15,17,21
 perhaps 4:24,32 5:1
 permission 4:17
 person 4:27
 persons 2:34 4:27
 place 1:14
 placement 1:30
 policed 2:22
 population 1:33
 preamble 2:23
 prima 4:32
 proceedings 6:1
 promotion 1:5,7
 proof 3:24
 prosecute 1:5,10 2:30
 3:18 4:4,13,30 5:1
 prosecuted 4:27
 prosecution
 3:3,6,10,27 4:6,33
 prosecutions 1:26
 2:29 3:2,25
 prosecutors 3:14
 4:5,12
 prospect 4:33
 protect 2:14,15
 protecting 4:23
 provide 6:13
 provisions 3:18
 provoke 3:22
 public 1:26,30 2:29
 3:2,16,19 4:23
 purely 5:3
 purposes 2:34
 Principal 3:8 4:1
 Prosecuting 2:34 3:11
 Prosecutor 3:8 4:1

Q

question 2:9,34
 questioned 3:4

R

rather 3:5,26
 read 1:4 2:4
 realistic 4:33
 really 4:25,28 5:2
 reason 1:33 3:11,17
 4:34
 reasonable 4:9
 reasons 3:5,9,10
 record 6:1
 referred 2:25
 refuse 5:9
 regrettably 5:7
 relation 2:5 3:26
 4:10,14,26 5:4
 reliable 4:7
 religion 1:6 2:33
 religious 2:5
 remind 2:23
 requested 3:5
 required 3:24
 result 6:13
 review 2:29
 3:4,29,30,33
 4:2,17,20
 reviewed 4:3,10
 rhetoric 1:7
 right 2:27 5:11
 rubbishing 1:30
 REGISTRAR 1:1
 Ronan 3:34

S

sacred 1:31
 said 1:31,33
 satisfied 4:11
 saw 2:3
 say 1:25,26,27,32 2:4
 3:1

<p>saying 1:14,20,32 3:20 4:12 says 3:12 4:1 section 1:34 2:2 3:15,16,19 see 2:7 seek 4:17 seeking 2:28 seeks 3:32 4:16 seems 4:22,25,27 5:1,7 sees 4:24 sent 3:2,9,12,25,33 set 3:10 4:4 she 3:5,14,16,17,20 shopping 1:18 should 2:21,22 4:4,6,26 show 4:18 sometimes 4:34 sorry 3:25 speaker 6:14 stand 4:4 standard 3:24 standpoint 1:23 state 4:6 still 2:6,10 stop 2:15 strong 4:8 substantial 4:7</p>	<p>suggesting 4:29 summary 3:5 supervisory 5:4 suspect 4:8 Senior 4:1 Sporadically 2:12 T taken 2:32 4:7,30 5:1 takes 3:27 team 3:34 thank 2:27 that's 1:28,32 3:24 that 1:9,14,20,23,25,2 6,31,32 2:3,19,33 3:4,10,17,20,21,2 7,29,30,32,33 4:2,3,5,6,7,9,11,1 2,16,18,19,25,26, 28,29,30,34 5:2,7 their 1:10,17,23 2:23 3:12 them 2:4,7,8,15,32 then 3:18,23,29 4:4 there'd 2:17 there 1:14,17,20,33 2:13,14,15 3:20 4:7,29,33 5:8 therefore 5:7 these 2:10 3:22</p>	<p>they're 1:13,32 2:13,16,18 they 1:8,14,20,32 2:4,8,15 3:12 think 2:18 5:7 this 1:9,32,34 2:6,16,17,19,27 3:6,13,17,33 4:18,20,27 5:2,3,8 those 2:32 3:10 though 4:32 threatening 3:21 time 1:14,32 today 4:26 traditions 1:27 transcript 6:1 tribunals 5:5 trinity 2:24,25 Thanks 5:11 The 1:1,5,7,8,9,10,11, 13,14,20,26,27,28 ,29,30,31,32,33,3 4 2:2,9,10,14,16,18, 22,23,24,25,29,30 ,31,33,34 3:1,2,3,5,8,9,10,1 1,12,14,15,16,17, 18,19,20,21,22,23</p>	<p>,24,25,26,27,29,3 1,32,33,34 4:2,3,4,5,6,8,9,10, 11,12,13,16,20,21 ,23,25,26,27,28,2 9,30,31 5:2,4,8,9 6 There's 2:13,15 They've 2:23 U ultimately 3:2 unconfirmed 6:14 under 3:11 understand 1:6,25 2:8 5:1 undesirable 4:24 unlawful 1:26 unlawfully 4:19,29 unless 4:7 unsurprisingly 4:24 upon 5:8 Unit 4:1 V very 2:27 4:13,22 5:11 Victims 4:1 W was 1:5,7,8,9,10,26,34</p>	<p>2:16,24,25,29 3:2,3,5,17,20,21,2 2,25,29,30,31,33 4:2,4,9,11,13,19,2 2,29,30 way 1:28 2:16 4:16 weekend 2:13 were 1:14,20 2:16 4:33 what 1:25,27,29,32 2:34 4:24 whether 4:21,31,32 which 1:7 2:24,29 4:28 5:8 who's 3:34 who 1:5 2:14,28,31 4:22 why 3:5 5:1 wishes 5:2 with 3:4,13 4:11,21,25 within 3:22 4:30 without 4:19 would 1:17,23 2:30 3:2 4:12,18,28 5:8 writing 3:9 wrong 4:19 wrote 2:7 Well 1:16 2:7,18,27 When 2:4 3:12</p>	<p>X Y you 1:25,26,28,29,30, 31 2:4,7,8,14,23,27 4:12 your 1:4 3:12 4:10,14 Yes 1:2,4,9,10,12,16,1 7,19,22,25 2:1,3,11,12,20,27 You're 1:4 Z 1994 2:2 3:16 2009 1:34 2019 2:30 3:8,31 25th 3:8 4th 2:30 3:31</p>
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Approved Judgment

**THE COURT OF APPEAL
CIVIL**

[2020 No. 193]

[2020 No. 194]

The President

McCarthy J

Kennedy J

BETWEEN

EMMET CORBETT

APPLICANT

AND

THE PEOPLE AT THE SUIT OF THE DIRECTOR OF PUBLIC PROSECUTIONS

RESPONDENT

**JUDGMENT of the President delivered (electronically) on the 29th day of July 2021 by
Birmingham P**

1. When dealing with the application to extend time to appeal the refusal of leave to seek judicial review of a decision of the Broadcasting Authority of Ireland, I referred to the principles applicable when considering whether to extend time. Those principles are also relevant in this second application, where the applicant seeks to extend time for appealing the refusal of leave to seek judicial review of a decision of the DPP not to initiate a prosecution. It appears that the applicant took exception to the contents of two texts, made a complaint to An Garda Síochána and the Gardaí submitted a file to the DPP who decided not to initiate a prosecution. The applicant sought a review of that decision, but the Director maintained her position. The applicant sought leave to challenge the decision not to prosecute, but was refused leave by order of the High Court of 24th June 2019. Thus, the timeframe broadly follows that outlined in the Broadcasting Authority of Ireland case. Once more, there has

been very considerable delay. In this case, it seems to be beyond argument that the decision of the Director not to prosecute was a decision that was open to her. Mr. Corbett faces the further difficulty that review of the decisions of the Director is open only on very limited grounds. In that regard, I would draw attention to what is stated in De Blacam on 'Judicial Review' (Bloomsbury Professional 2016), where, at para. 5-17, he comments:

"The Office of Director of Public Prosecutions was established by section 2 of the Prosecution of Offences Act 1974, and by section 3 of the same Act, virtually all of the functions formally exercised by the Attorney General in relation to criminal matters were transferred to him. Although the reviewability of a decision of the DPP whether or not to prosecute was established in *State (McCormack) v Curran*, it is clear, nonetheless, that review lies on very limited grounds. The authorities indicate that it may take place only when the Director has acted *mala fides*, has been influenced by an improper motive or policy or when he has abdicated his functions."

2. At this stage, in my view, no stateable grounds for challenging the decision of the Director have been advanced, still less, established. That situation has then been compounded by inordinate delay. I am of the view that the interests of justice would not be served by extending time and I would refuse the application and dismiss the appeal.

Approved Judgment

George Kinnear
23rd Sept 2021

No Redaction Needed

A COPY WHICH I ATTEST
Michael L. B. Gerald
FOR REGISTRAR



THE SUPREME COURT

DETERMINATION

BETWEEN/

EMMETT CORBETT

Applicant

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Neutral Citation: [2022] IESCDet 95

Supreme Court Record No.: S:AP:IE:2021:000100

Court of Appeal Record No.: A:AP:IE:2020:000193

High Court Record No.: 2019 No. 398 JR

Date of Determination: Thursday, 28th July 2022

Composition of Court: Dunne J., O'Malley J., Baker J.

Status: Approved

APPLICATION FOR LEAVE TO APPEAL TO WHICH ARTICLE 34.5.3° OF THE CONSTITUTION APPLIES

RESULT: The Court does not grant leave to the Applicant to appeal to this Court from the Court of Appeal.

ORDER SOUGHT TO BE APPEALED

COURT: COURT OF APPEAL
DATE OF JUDGMENT OR RULING: 29 TH JULY 2021
DATE OF ORDER: 29 TH JULY 2021
DATE OF PERFECTION OF ORDER: 12 TH AUGUST 2021
THE APPLICATION FOR LEAVE TO APPEAL WAS MADE ON 24 TH AUGUST 2021 AND WAS IN TIME.

REASONS GIVEN:

General Considerations

1. The general principles applied by this court in determining whether to grant or refuse leave to appeal, having regard to the criteria incorporated into the Constitution as a result of the Thirty-third Amendment, have now been considered in a large number of determinations and are fully addressed in both a determination issued by a panel consisting of all of the members of this court in *B.S. v. Director of Public Prosecutions* [2017] IESCDET 134, (Unreported, Supreme Court, 6 December 2017) and in a unanimous judgment of a full court delivered by O'Donnell J. in *Quinn Insurance Ltd. v. PricewaterhouseCoopers* [2017] IESC 73, [2017] 3 I.R. 812. Accordingly, it is unnecessary to revisit the new constitutional architecture for the purpose of this determination.
2. Furthermore, the application for leave filed and the respondent's notice are published along with this determination (subject only to any redaction required by law) and it is

therefore unnecessary to set out the position of the parties in any detail. No aspect of this ruling has precedential value as a matter of law.

Background

3. This is an application for leave to appeal a decision of the Court of Appeal refusing to grant an extension of time to appeal from the High Court the refusal of leave to seek judicial review of a decision of the DPP not initiate a prosecution. The decision not to initiate a prosecution related to certain individuals of the Islamic faith who, the applicant claims, had been handing out leaflets in Cork city which blasphemed the Christian religion contrary to the provisions of section 36 of the Defamation Act 2009 and section 7 of the Criminal Justice Public Order Act 1994.
4. The applicant made a complaint to the Gardaí and a file was sent to the Director of Public Prosecutions. A decision was ultimately made by the Director not to bring a prosecution. Dissatisfied with that decision, the applicant sought a summary of the reasons from the Director as to why she was not bringing forward a prosecution. In a letter dated the 15th January 2019, Ms Linda Mullen, a principal prosecutor in the office of the DPP, sent detailed reasons in writing to the applicant and those reasons are set out in that letter. Ms Mullen concludes that: *"There was no evidence that the leaflets contained material that was threatening, abusive or obscene or that the distribution or displaying of these leaflets was done with intent to provoke breach of the peace."* It was concluded that the offence was not made out on the facts. The letter stated that the applicant was entitled to request a review of the DPP's decision.
5. The applicant did indeed request a review of the decision not to initiate a prosecution and the outcome of that review was communicated in writing to the applicant on the 4th April 2019. That letter was sent by a member of the Director's team, Mr Ronan O'Neill who was not involved in the making of the original decision. He stated that he

had reviewed all the evidence and had found that the decision not to prosecute was correct. It is this decision that the applicant sought judicial review of by way of an *ex parte* application before the High Court on the 24th June 2019.

6. In an *ex tempore* judgment Noonan J. refused the application for judicial review. He considered that the applicant had not advanced any ground on which the court would be able to conclude that the DPP had acted unlawfully in taking the decision not to prosecute and that, in reality, the applicant really wished to appeal the merits of the DPP's decision, which the Court had no jurisdiction to review.
7. On the 17th December 2020 the applicant applied for an extension of time in which to appeal against this decision. In a judgment delivered on the 29th July 2021, the Court of Appeal refused this application. The Court held that the applicant had advanced no stateable grounds for challenging the decision of the Director and that this situation had been compounded by the inordinate delay in seeking an appeal. The Court accordingly concluded that it was not in the interests of justice to grant an extension of time.

Application for leave

8. The applicant now seeks leave to appeal to this Court. Under matters of general public importance, the applicant restates his view that the DPP has failed in its duty to prosecute in relation to the distribution of materials that he considers contrary to section 36 of the Defamation Act 2009 and section 8 of the Criminal Justice Public Order Act 1994. The applicant further references the Preamble of the Irish Constitution as well as Article 40.6 of the Constitution which he alleged prohibits the publication or utterance of blasphemous material. A Respondent's Notice has not been filed in reply to this application as the original application in the High Court was

made *ex parte* by the Respondent and there was no appearance in the Court of Appeal.

Decision

9. The matters referred to by the applicant in his Application for leave to appeal under the headings of matters of general public importance and in respect of a proposed reference to the CJEU relate to the substantive issues which the applicant sought to litigate by way of judicial review proceedings against the respondent. However, the judgment of the Court of Appeal was not concerned with the substantive issues in the proceedings. It was considering an application by the applicant to extend the time within which to appeal from the decision of the High Court refusing him leave to apply for judicial review of the decision of the Respondent. It is clear from the decision of the Court of Appeal, that that Court had regard to well established case law concerning such applications. The Court of Appeal referred to its judgment of the same date, [2021] IESC 246 , between this applicant and the BAI which was also an application to extend time and in which the relevant principles were set out. The applicant has not addressed the judgment of the Court of Appeal and its reasons for refusing leave to appeal. The applicant by means of a cover letter sought to put additional information before this Court. This is not an appropriate course to take and does not comply with the practice and procedure of this Court in relation to applications for leave to appeal. The additional information does not put forward any reason to demonstrate that the decision of the Court of Appeal was wrong in its refusal to extend time. In any event, this Court is not satisfied that the applicant has not put forward any matter of general public importance which necessitates an appeal to this Court. Equally, there is no matter put forward which could require a reference

to the CJEU. The applicant has therefore not met the constitutional threshold for an appeal to this Court.

10. The application for leave to appeal is refused.

And it is hereby so ordered accordingly.

Emmett Corbett

Cork

Friday the 13TH Day of August 2021

COURT OF APPEAL HEARING

Dear Linda Mullin

I am writing to you, as I am having difficulty comprehending, why the DPP didn't show up for the Court of Appeal hearing on the 29-7-21.

I subsequently called your office, however the explanation I received, was somewhat convoluted, as what I was told, was that the DPP do not consider themselves as served, even when they acknowledge that they had received the court documents.

When I called the Court of Appeal, they too were at a loss to this explanation, so as a result, people within the community would like the DPP to clear up this matter for all to understand.

Afterall, such procedures deployed by the DPP are indeed confusing to say the least, i.e. when you say certain offences are "contrary" to the law, for one group and not for another group?

Please see attached, a copy to tracking numbers for the registered post you were sent.

I keep thinking of the words of The Lord Jesus Christ, who said, For nothing is secret, that shall not be made manifest; neither *any thing* hid, that shall not be known and come abroad.

Awaiting your reply, Emmett Corbett

DPP Case No: 2018/14172
Your Ref:

3 September 2021

Mr Emmett Corbett

Co. Cork

Re: Your letter of 13 August 2021

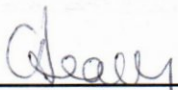
Dear Mr Corbett,

In reply to your letter, I note that the hearing in the Court of Appeal on 29 July 2021, related to an appeal against a refusal of the High Court to grant you leave to apply for Judicial Review.

As this initial application before the High Court was made 'ex parte', which means 'by or for one party', the Director of Public Prosecutions was not present and was not required to appear.

The same applies to your appeal against this order, which was made in respect of an 'ex parte' application. As you did not obtain leave to apply for judicial review, the Director of Public Prosecutions has no role in these proceedings.

Yours sincerely



Caroline Deacy
Senior Principal Prosecutor

28 September 2012

To Chief Superintendent Michael Finn,

I am writing to you with a complaint concerning unconstitutional activity that is active on Saint Patrick's street in my home town of Cork city.
Every Saturday outside the Brown Tomas shop, you will find a non-national man propagating Islamic literature.

When I queried him about his books on display, and his message, he asked me if I was a Catholic, when I answered him that I was a Christian, he produced a leaflet that was hidden out of sight under some books, with the title "Deliverance from Jesus Christ".

At the time when I was given the literature, I was so angry that I felt the best thing to do was to walk away and calm down.

After gathering my thought I have come to the understanding that what had happened was indeed unconstitutional, worrying and offensive, not to mention the fact that such people can come to this country and enjoy our freedoms which are founded on Christian principles, then in turn use these freedoms to attempt to undermine and criticize our faith, culture and institutions that we, like the vast majority of our ancestors before us have held so dear.

I refer to the below article of the Constitution, as I am very eager to see an end of this treacherous activity.

Article 40 of the Irish Constitution states (in part):

"6.1. The State guarantees liberty for the exercise of the following rights, subject to public order and morality:

i.

The right of the citizens to **express freely their convictions and opinions.**

The **education of public opinion being, however, a matter of such grave import to the common good, the State shall endeavour to ensure that organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not be used to undermine public order or morality or the authority of the State.**

The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law."

BLASPHEMY defined by Black's Law Dictionary

In English law. Blasphemy is the offense of speaking matter relating to God, Jesus Christ, the Bible, or the Book of Common Prayer, intended to wound the feelings of mankind or to excite

contempt and hatred against the church by law established, or to promote immorality. Sweet. In American law. Any oral or written reproach maliciously cast upon God, His name, attributes, or religion. Com. v. Knee- land, 20 Pick. (Mass.) 213; Young v. State, 10 Lea (Tenn.) 165; Com. v. Spratt, 14 Phila. (Pa.) 365; People v. Ruggles, 8 Johns. (N. Y.) 290, 5 Am. Dec. 335; Updegraph v. Com., 11 Serg. & R. (Pa.) 406 ; 2 Bish. Cr. Law,

(Of possible interest) 2009 – Defamation Bill Proposes Blasphemy Crime

The Oireachtas Joint Committee on Justice is currently discussing the Defamation Bill 2006. The purpose of this Bill is to “revise in part the law of defamation and to replace the Defamation Act 1961 with modern updated provisions taking into account the jurisprudence of our courts and the European Court of Human Rights”.

The 1961 Act includes the offence of blasphemy, as quoted above. The Minister for Justice is proposing to replace this reference with a new proposed offence, stating: “A person who publishes or utters blasphemous matter shall be guilty of an offence and shall be liable upon conviction on indictment to a fine not exceeding €100,000.”

“Blasphemous matter” is defined as matter “that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion; and he or she intends, by the publication of the matter concerned, to cause such outrage.

Chief Superintendent Finn, could you just imagine if this was to happen in any Islamic state, with the roles reversed!

These double standards are staggering to say the least, especially in light of the recent riots and chaos that go hand in hand whenever Mohammed has been criticized.

When I think what this man’s objective and desired end result, it just boils my blood.

Please find enclosed the Blasphemous literature in question, that treat the death and resurrection of the Lord Jesus Christ with contempt, a belief and conviction that is fundamental to all adherents of Christendom worldwide, regardless of denomination.

I sincerely hope that you can empathize and deal promptly with this seditious matter, while keeping me informed on the enforcement of Article 40, 6.1.

Thanking you,

hours on the cross from which he was taken down alive. His bones were not broken. What killed him?

There is ample evidence which proves conclusively that he did not die on the cross. His physical body was removed to the family sepulchre of Joseph of Arimathea. If he was already dead what happened to his dead body? Where was he buried? In the same physical body, which bore the marks of his injuries, he met his disciples and ate with them, proof positive and irrefutable that he had not died.

Reflect then, O ye who are gifted with understanding, and grasp the reality and do not let yourselves be misled by fiction.

For further study on this topic, we strongly recommend the following books:

Jesus in India

Where did Jesus die?

Jesus lived in India

Death on the Cross?

Deliverance from the Cross

Truth about Crucifixion

Note: All these books are available from the London Mosque.

Deliverance of Jesus Christ from the Cross



For further information, please contact:

MISSION CENTRES WITH MOSQUES

HEAD OFFICE UK MISSION: Mr Ataul Mujeeb Rashed, Imam of the London Mosque and Missionary In-Charge, The London Mosque, 16 Gressenhall Road, London SW18 5QL. Tel: 01-870 8517. Telex: 28604 Ref. 1292. Fax: 01-870 1095. Cables: Islamabad, London.

BIRMINGHAM: Mirza Mahmood Ahmad (Missionary), Ahmadiyya Muslim Mission, 792 Washwood Heath Road, Birmingham B8 2JL. Tel: 021-327 5695.

BRADFORD: Mr A. H. Khokhar (Missionary), Ahmadiyya Muslim Mission, Bait-ul-Hamd, 393 Leeds Road, Bradford BD3 9LY. Tel: 0274 665233.

CROYDON: Mr L. A. Tahir (Missionary), Ahmadiyya Muslim Mission, 3 Kidderminster Road, West Croydon, Surrey. Tel: 01-688 9721, 01-686 6295 (Home).

EAST LONDON: Ahmadiyya Muslim Mission, Baitul Ahad, 67 Erskine Road, London E17. Tel: 01-521 1493/01-520 1247.

GILLINGHAM: Ahmadiyya Muslim Mission, 242 Medway Road, Gillingham, Kent. Tel: 0634 572812.

GLASGOW: Mr N. A. Bajwa (Missionary), Ahmadiyya Muslim Mission, Baitur Rahman, 8 Haugh Road, Glasgow G3 8TR, Scotland. Tel: 041-334 7931.

HOUNSLOW: Ahmadiyya Muslim Mission, 327 Martindale Road, Hounslow, Middlesex. Tel: 01-577 0221.

HUDDERSFIELD: Ahmadiyya Muslim Mission, 41 Fitzwilliam Street, Huddersfield, Yorkshire. Tel: 0484 515375.

MANCHESTER: Mr Mirza Naseer Ahmad (Missionary), Ahmadiyya Muslim Mission, Darul Aman, 1 Clarendon Road, Whalley Range, Manchester, Lancs M16 8LB. Tel: 061-226 9918.

OXFORD: Ahmadiyya Muslim Mission, 257 Cowly Road, Oxford. Tel: 0865 250732.

SOUTHALL: Ahmadiyya Muslim Mission, Darus Salam, 11 Boyd Avenue, Southall, Middlesex UB1 3BT. Tel: 01-843 2053.

Other Branches (with telephone numbers)

BARKING 01-599 4168	LEAMINGTON SPA & COVENTRY 0926 20498
BLACKBURN 0254 670885	LEEDS 0532 442460
BOURNEMOUTH 0202 476660	LEICESTER 0533 706520
BRISTOL 0272 693747	LUTON 0582 574145
CAMBRIDGE 0223 246488	MILTON KEYNES 0908 666016
CARDIFF (S. Wales) 0222 489185	NORTHAMPTON 0604 412035
CATRINE (Scotland) 0290 52535	NORTH LONDON 01-455 3496
CHESTER 0745 67921	NOTTINGHAM 0602 733541
EDINBURGH (Scotland) 031-442 2251	PRESTON 0772 794511
GREENFORD 01-575 0752	READING 0252 873353
HARTLEPOOL 0429 264474	SHEFFIELD 0742 557840
HAYES 0895 421292	SLOUGH 0753 820596
HIGH WYCOMBE 0494 445246	SOUTHAMPTON 0703 738103
HOUNSLOW 01-572 4055	SPEN VALLEY 0274 873907
KEIGHLEY 0535 67989	WATFORD 01-428 0413
	WOKING 04862 21754

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THE DIVINE PLAN

Jesus Christ, son of Mary, was the true Messiah, a noble prophet and messenger of God, who was loved by Him. The Jews of Judea rejected him and planned to bring about his death by crucifixion as a traitor, so that being accounted accursed according to the Torah, his being false in his claim might be confirmed. That was the plan of his enemies. God's plan was to frustrate his enemies and deliver him from such a death. That is one of the most fascinating chapters in the spiritual history of man.

JESUS PRAYS FOR DELIVERANCE

Jesus, like all prophets, had great faith in prayer. He repeatedly urged the disciples to have recourse to prayer. He told them God heard his prayers. When he perceived the design of his enemies he was grievously troubled. He did not shrink from laying down his life in the cause of God. What afflicted him was that if his enemies succeeded in their design they would thereby shut firmly upon themselves the gates of the kingdom of God and the great divine bounty of prophethood would be transferred from them.

In his distress he turned to prayer. He spent the greater part of the night in agonised supplication in the garden of Gethsemane. His prayer was doubtlessly heard and he was assured of deliverance from an accursed death.

HOW IT ALL HAPPENED

He was apprehended and was produced before Pontius Pilate charged with blasphemy and treason. When Pilate sat down on the judgment seat his wife sent to him, saying: Have thou nothing to do with that just man, for I have suffered many things this day in a dream because of him.

Now that surely is for the spiritually discerning a proof that Jesus would not perish by the cross. It never happens that God should intervene on behalf of one of His servants to safeguard him, and the divine intervention should prove ineffective.

From that moment Pilate made several efforts to placate the Jews and release Jesus, but they would not hear of it. Pilate declared he found no fault with Jesus. The Jews threatened to denounce him to Caesar, unless he were to order the crucifixion of Jesus. Finally, late in the afternoon, the day being Friday, Pilate yielded to their importunities and handed Jesus over to them to work their will upon him, washing his hands of all responsibility.

JESUS IS PUT ON THE CROSS

The Jews mocked at him and maltreated him and led him to the place of execution, where he was nailed to the cross, with a thief on either side of him. Soon darkness spread over the land and everyone was affrighted and feared lest the sun should set and the nailed bodies should be still on the crosses which was a punishable offence. So they were hastily taken down from the crosses while they were still alive, though Jesus under the strain of all that he had endured that day was in a swoon. The bones of the two thieves were broken to ensure their death, but Jesus appearing to be dead already had not his bones broken.

‘BODY’ IS RELEASED

In this situation of confusion and bewilderment and of fearful portents, Joseph of Arimathea, a wise counsellor and a friend of Pilate, who believed in Jesus, went to Pilate and asked that the body of Jesus be handed over to him. Pilate who had experience of these matters marvelled that Jesus should be so soon dead, but being assured that it was so, readily gave the permission asked for. Joseph placed the unconscious body of Jesus in a rock-hewn chamber which was his family sepulchre and which was close by, where it was treated by Nicodemus, an expert physician, with spices and unguents and was ministered unto, till it was restored to consciousness. All this happened over the weekend. By Monday Jesus was able to move about though his body still bore the marks of the injuries which he had received and which had to be tended to.

MEETS HIS DISCIPLES

He met his disciples in secret. They could scarcely credit the evidence of their eyes and ears. They believed he had died and they imagined they saw his ghost. He assured them he had not died and was no ghost. He invited them to examine his injuries. Do ghosts bear marks of injuries? He was hungry and asked for food and ate with them. He did not want it asked about that he had not died, that the purpose of his enemies had by God's grace been frustrated. He cautioned them lest his enemies learning that he was alive should move to have him apprehended once more. He told them that he had been rejected in Judea, but that was not the end of his mission. He had to convey his message to the lost sheep of the house of Israel, the Jews of the diaspora, and must part from them.

GOES TOWARDS EAST

Thus he set out for the regions of the east in which the lost tribes were settled all the way from Syria through Turkey, Iraq, Iran, Afghanistan, north-western India to Kashmir. The very name of Kashmir is reminiscent of Syria and some of the place names are identical with Syrian place names. The people of Kashmir to this day bear a striking resemblance to Israelites. Jesus was welcomed and accepted by the Jewish tribes of the diaspora among whom he became known as Yuz Asaf, the prince prophet. He spent his last years in Kashmir.

END OF HIS LIFE

He lived to the ripe old age of over 120 years and when he died he was buried in Khanyar Street of Srinagar. His tomb is still preserved and is a place of pilgrimage.

TRUTH OF THE MATTER

There is not a shred of evidence to support the fiction that Jesus son of Mary, prophet and messenger of God, died on the cross. He spent not more than three

USURIOUS VILLAINS' VALUE

Wharrie and his co-accused were arrested by gardai after their rigid inflatable boat carrying 15 way up from the cliffs.

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Cork man wins appeal against conviction

Court Reports

■ Liam Heylin

EMERGENCY Response Unit gardai stopped a man for a search under the Offences Against the State Act, and yesterday an appeal court judge allowed the accused man's appeal against a conviction for threatening behaviour.

Enmet James Corbett with addresses at Victoria Terrace, Summerhill North, and was previously convicted and fined €500 at Cork District Court for engaging in threatening behaviour on the afternoon of March 16, 2013.

Yesterday Judge David Riordan allowed his appeal against the fine and conviction at Cork Circuit Appeals Court.

Detective Garda Colin Dowling said he was with his colleague Det. Garda Keith Mills at the time of the disputed incident. Corbett also gave evidence yesterday. Judge Riordan said that as

two gardai were present, and in the absence of the second officer in court yesterday where the evidence was balanced between the two witnesses, the appeal was being allowed.

Det. Garda Dowling said although he had never met Corbett before that date, he knew who he was. He stopped him under the Offences Against the State Act and demanded his name and address.

When Garda Dowling told the appellant he was going to arrest him, he said Corbett clenched his fists and became violent, lashing out at him and his colleague, Det. Garda Mills.

Corbett said that did not happen. He said it was a bright day with a wind chill and he had freshly shaved his head so that was why he was wearing sunglasses and had his hood up in the

afternoon. Enmet Corbett claimed that the only reason he was stopped on the afternoon was because he had written a letter to Chief Superintendent Michael Finn, the contents of which were not disclosed in court yesterday.

Det. Garda Dowling said he did not even know that the appellant had written such a letter.

Corbett felt it was bizarre that he was being arrested in broad daylight and accused of lashing out at gardai.

Det. Garda Dowling said the reason he stopped the appellant on the day was, "I believed he may have been in possession of articles or materials under the Offences Against the State Act."

Judge Riordan said that even though there had been reference to Corbett allegedly lashing out at the two gardai there was no charge of assault and that the charge was one of engaging in threatening behaviour.

Ms Murphy said she did not assault Ms McConnon in any way.

Linda Murphy testified that she just put her hand up to take the phone and that Ms McConnon gave her the phone. The phone in question was a land-line phone belonging to the hospital and both parties had been talking to someone at the nursing home.

Ms Murphy said she did have an issue at the time with her mother being carried by taxi rather than ambulance and commented on the day. "My mother is broke from taxis."

She told her barrister, Paula McCarthy, of her attitude to the complainant. "I have no malice against the girl."

consistency between the complainant and evidence of Nurse Beresford and added, "That goes to the credibility." He then dismissed the case against Linda Murphy.

Ms McConnon said she brought the resident - Linda Murphy's mother, who has since died - from Mowlam's in Ballincollig to the CUH that day for a procedure. She said they travelled by taxi and that when the resident's daughter, Linda Murphy, arrived at CUH she was fuming because they had travelled by taxi. She said at one stage she was on her phone when Linda Murphy grabbed her by the throat. Ms McConnon said Ms Murphy later 'pucked' her on the arm three times.

dismissal under the Probation of Offenders Act.

It went to a full re-hearing at Cork Circuit Appeals Court yesterday and Judge David Riordan said it would not be enough to say that because Linda Murphy was cross about the taxi that she 'probably' assaulted Ms McConnon. The judge said such a case could not be determined on probability and had to be decided beyond a reasonable doubt.

In that regard, the judge said the independent evidence of Nurse Beresford, who was present in the room at CUH at the time of the disputed incident, was of particular value. He referred to a particular in-

A WOMAN successfully appealed a case yesterday where it was alleged that she caught a care worker by the throat because she "went ballistic" over her elderly mother being taken by taxi rather than ambulance from a nursing home for a hospital visit.

Linda Murphy of Ferndale, 51 Friars Walk, Cork, totally denied the charge of assaulting Ann McConnon at Cork University Hospital on June 3, 2014. Ms McConnon said Ms Murphy went ballistic and assaulted her.

When the case was heard last year at Cork District Court, Judge Olann Kelleher said he found the facts proved against Ms Murphy,

Woman wins appeal against assault case at CUH

Teen must take calls from gardai

A 16-year-old who got bail yesterday on strict conditions - including that he would take any phone calls made to him by gardai - said he did not want to be talking to guards. The juvenile was put on bail that required him to keep a curfew and be home every night at 9 p.m. Judge David Riordan made it another condition of bail that he would take any calls made by gardai to him on his mobile phone.

As the juvenile was giving a sworn undertaking to abide by the conditions read out to him in court by registrar Martin O'Donovan, the teenager spoke up and said he had no phone.

Defence barrister Dermot Sheehan, then told Judge David Riordan that the accused was an unusual teenager in that regard.

Mr Sheehan BL said the teenager's mother was present in Cork Circuit Appeals Court yesterday and would let her son use her phone or would get him a phone if required.

The teenager, who is appealing a nine-month sentence for carrying a knife on April 8 last year, then spoke up for a second time. "Why do I have to answer the phone to the guards? I don't want to be talking to no guards, to be honest, no disrespect or anything." The judge adjourned the appeal until July 7. He warned the appellant: "If you are not at home (at the curfew time) they will be in to me like a fish for a warrant for your arrest."

Golf clubs damage to cars

A householder who went out to get troublesome youths away from his property ended up being assaulted and having his car windows smashed with golf clubs.

24-year-old Anthony O'Connor appealed yesterday against a six-month jail sentence for his part in the escape which involved causing the damage and not the assault. After hearing the evidence in the appeal by O'Connor of 7 Glenfields Park, Ballyvolane, Judge David Riordan said at Cork Circuit Appeals Court yesterday: "Six months was the sentence imposed at the district court. Six months is the appropriate sentence because of the criminal damage. The court cannot countenance that type of behaviour. The six months should not be increased. It

MORE CLERICAL ERRORS

The following document, concerns a matter that was brought to the attention of GSOC, that had to do with an offensive leaflet, which I had reported to an Gardaí, who subsequently had sent the exhibits to the DPP.

Sometime afterwards I received a phone call, from a community Garda, who arranged to speak to me about the matter at Watercourse Garda station.

When discussing the issue, he said he couldn't find anything wrong with the leaflet, but when I asked to see what information he had in his possession, what he produced was only half the leaflet, which was missing the crucial other half, that I had originally circled for their attention.

On looking into the omission of this exhibit, I did call the DPP, and had requested that they would send me the file on the case, as I was informed via a phone conversation, that they had no knowledge of the missing exhibit in question.

I then reported this matter to GSOC, and who then found in their investigation,.... yes you guessed it, that it was yet another "Clerical Error" on behalf of yet another State body.



Mr Emmett Corbett

Cork

03/06/2021

Dear Mr Corbett

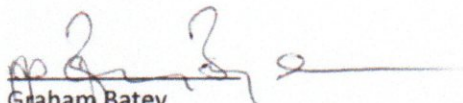
An investigation under Section 98 of the Garda Síochána Act 2005 has been conducted in relation to your complaint.

Pursuant to Section 101(7) of the Garda Síochána Act, 2005 the Ombudsman Commission is of the opinion that it discloses no misbehaviour by the members of the Garda Síochána concerned.

The investigation by the Garda Síochána Ombudsman Commission found that all relevant material was provided to the Office of the Director of Public Prosecution by the gardai and it appears that **there was a photocopying error on the part of the DPP** when providing you a copy of the information they had received.

Accordingly the Garda Síochána Ombudsman Commission shall take no further action in relation to the complaint.

Yours sincerely,


Graham Batey
Senior Investigating Officer

Lynda Mullin,
Director of Public Prosecutions,
Infirmary Road,
Dublin 7.

Emmett Corbett

Cork

Monday the 18TH Day of July 2022

CLERICAL ERROR

Dear Lynda

I am writing to you, concerning the attached copies of the same letter.

The first one is my original letter, which I had wrote to an Gardai on 16-12-17, and the second copy is the letter I had received from your office, which had only half my original letter, spaced out so that it filled the whole page, not only that, but my details are on the other side of the page, and there is spacing between sentences which were not present in my original letter.


If this was a clerical error, then how could this possibly happen by photocopying, or scanning, as it appears to me, that my letter would had to have had to of been systematically edited for it to appear as it did, which omitted some crucial details it my original letter.

Also, there was another an issue with an exhibit, where only half the leaflet was copied, and the second half which contained the offensive text was missing.

Can you please confirm, if this clerical error was by your office, or by an Gardai, as I had submitted the full documentation in my original complaint?

Thanking you,

Emmett Corbett



Statement of Emmet Corbett

, Cork, date of birth , phone

no . Occupation Painter & Decorator taken on 30/1/ at Anglesea Street by Mary Skehan Sergeant & Sergeant Shane Ellis. **I hereby declare that this statement is true to the best of my knowledge and belief and that I make it knowing that if it is tendered in evidence I will be liable to prosecution if I state in it anything I know to be false or do not believe to be true"**

I live at the above address. Tonight I have come to the Garda Station to make a complaint. Sergeant Skehan has read over the declaration to me and I understand it. I wish to make a complaint in relation to a man who I know as Zubair who is from India and who can be found on the Grand Parade in Cork city from time to time at a stall displaying various assortment of Islamic Literature. The literature in question I believe attacks our Christian faith, culture and traditions by stating our beliefs are blasphemous to their Islamic beliefs and in doing so Mr Zubir and his fellow adherents are in violations of article 40.6 of the Irish constitution. This male whom I know as Zubir is approximately 5'3. He wears glasses, has black and grey hair. He has a beard but no moustache. He has fluent English but speaks with a foreign accent. I have spoken to him on a number of occasions (2). The first time I spoke with him was 2012 and I spoke with him again approximately on 16/12/17 at Grand Parade where he was at the stall displaying an assortment of Islamic literature. On this date 16/12/17 I asked Zubair about the literature and I was invited to pick up a bunch of leaflets. Today I am handing over a leaflet which I picked up at the stall. In this leaflet I have highlighted by circling a paragraph of the offensive content which I believe to be blasphemous. Our Christian bible which can be found in our courts clearly states in the Book of Genesis chapter 2 verse 2 & 3 that God rested on the seventh day. Also the gospel of Mathew chapter 1 verse 22-23 in reference to the virgin birth that Mary would have a son named Immanuel which translated means God with us. Considering the long held belief and traditions cherished by the Irish People for centuries our celebration of Christmas, the placement of the crib in public and in our homes is truly outrageous that Mr. Zubair and his religion are allowed to publish & distribute such offensive lies contrary to our beliefs by rubbishing our most sacred holiday and the nativity of our saviours by essentially stating that the advent of Christ never happened. This statement has been read over to me and I have make two changes which I have initialled.

Signed Emmet Corbett

Witnessed: Mary Skehan

Witnessed: Shane Ellis

What I gave to An Garda Siochana

Emmett Corbett

Cork.

16-12-17

Superintendent John Quilter,

I am writing to you concerning our law being broke by a man from India named Zubir, that can be found on the Grand Parade on Saturdays displaying a varied assortment of literature with reference to teaching from the Qur'an, his religion of Islam, his god named Allah and a "prophet" known as Muhammad.

Seeing as our Holy Book is the Bible, that teaches us about our Most High God (whose name is not Allah) and forgiveness of sins through the Lord Jesus Christ, the bogus literature available for public distribution by Mr Zubir is in direct contradiction with our Christian faith, and in violation of Article 40.6 of the Irish constitution, due to the offensive content of the available materials. In one of the leaflets titled "Who is Allah" it states the following.

"The concept that God rested on the seventh day of creation that God wrestled with one of His soldiers that God is an incarnate in any human being are considered blasphemy from Islamic point of view."

The above quote is just one example of the many ideologically opposed "points of view" held by Mr Zubir and his fellow Islamic adherents, and any clergyman will tell you that the opposite is true and that this Islamic publication is indeed Blasphemous in relation to the Christian belief system.

Being a Superintendent I'm sure you're no stranger to the Bible due to its presence in Irish courts, and its use for swearing and making oaths, so please read the following verses from the Holy Bible to prove this point.

Genesis 2:2-3 New King James Version (NKJV)

2 And on the seventh day God ended His work which He had done, and He rested on the seventh day from all His work which He had done. 3 Then God blessed the seventh day and sanctified it, because in it He rested from all His work which God had created and made.

Matthew 1:22-23

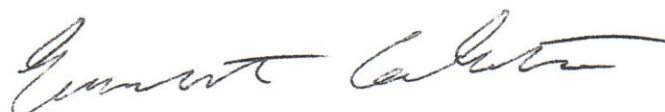
22 So all this was done that it might be fulfilled which was spoken by the Lord through the prophet, saying: 23 "Behold, the virgin shall be with child, and bear a Son, and they shall call His name Immanuel," which is translated, "God with us."

Considering the time of year we are in and the long held belief and tradition cherished by the Irish people for centuries, our celebration of Christmas, the placement of the crib in public and in our homes, it is truly outrageous that Mr Zubir and his religion are allowed to distribute such offensive lies to the contrary, and rubbish our most sacred holiday and the nativity of our Saviour, by essentially stating that the advent of Christ never happened!

Please see enclosed a copy of the offensive leaflet.

It would be great to see this matter dealt with promptly, especially before Christmas as not to offend anymore people who might come in contact with Mr Zubir and his message. Please keep me updated on your handling of this matter.

Happy Christmas, Emmett Corbett



and the earth?" Say: "(It is) Allah." Say: "Have you then taken (for worship) *Auliya'* (protectors, etc.) other than Him, such as have no power either for benefit or for harm to themselves?" Say: "Is the blind equal to the one who sees? Or darkness equal to light? Or do they assign to Allah partners who created the like of His creation, so that the creation (which they made and His creation) seemed alike to them." Say: "Allah is the Creator of all things, He is the One, the Irresistible." (Qur'an 13:16)

The Attitude of the Believer

In order to be a Muslim, i.e., to surrender oneself to Allah, it is necessary to believe in the oneness of Allah, in the sense of Him being the only Creator, Preserver, Nourisher, etc. In addition one must acknowledge the fact that Allah alone deserves to be worshipped, and thus abstain from worshipping any other deity or thing or being.

Having achieved this knowledge of the one true God, a person should constantly have faith in Him, and should allow nothing to induce him to deny the truth.

When correct faith enters a person's heart, it causes certain mental states that lead to certain actions. Taken together, these mental states and actions are the proof for the true faith. Foremost among those mental states is the feeling of gratitude towards Allah which could be said to be the essence of *'ibadah'* (worship). The feeling of gratitude is so important that a non-believer is called 'kafir' which means 'one who denies a truth' and also 'one who is ungrateful'.

A believer loves, and is grateful to Allah for the bounties He bestows upon him, but being aware of the fact that his good deeds, whether mental or physical, are far from being proportional to divine favours, he is always anxious lest Allah should punish him, here or in the Hereafter.

He, therefore, fears Him, surrenders himself to Him and serves Him with great humility. One cannot be in such a mental state without being almost all the time mindful of Allah. Remembering Allah is thus the life force of faith, without which it fades and withers away.

The Qur'an promotes this feeling of gratitude by repeating the attributes of Allah (God) very frequently. We find most of these attributes mentioned together in the following verses of the Qur'an:

"He is Allah, than Whom there is La ilaha illa Huwa (none has the right to be worshipped but He) the All-Knower of the unseen and the seen. He is the Most Beneficent, the Most Merciful. He is Allah than Whom there is La ilaha illa Huwa (none has the right to be worshipped but He) the King, the Holy, the One Free from all defects, the Giver of security, the Watcher over His creatures, the All-Mighty, the Compeller, the Supreme. Glory be to Allah! (High is He) above all that they associate as partners with Him. He is Allah, the Creator, the Inventor of all things, the Bestower of forms. To Him belong the Best Names. All that is in the heavens and the earth glorify Him. And He is the All-Mighty, the All-Wise. (Qur'an 59:22-24)

"Allah! La ilaha illa Huwa (none has the right to be worshipped but He), the Ever Living, the One Who sustains and protects all that exists. Neither slumber, nor sleep overtake Him. To Him belongs whatever is in the heavens and whatever is on earth. Who is he that can intercede with Him except with His Permission? He knows what happens to them (His creatures) in this world, and what will happen to them in the Hereafter. And they will never encompass anything of His Knowledge except that which He wills. His Kursi extends over the heavens and the earth, and He feels no fatigue in guarding and preserving them. And He is the Most High, the Most Great." [This Verse is called *Ayat-ul-Kursi*.] (Qur'an 2:255)

"O people of the Scripture (Jews and Christians)! Do not exceed the limits in your religion, nor say of Allah aught but the truth. The Messiah 'Isa (Jesus), son of Maryam (Mary), was (no more than) a Messenger of Allah and His Word, ('Be!' - and he was) which He bestowed on Maryam (Mary) and a spirit (Ruh) created by Him; so believe in Allah and His Messengers. Say not: 'Three (trinity)! Cease! (it is) better for you. For Allah is (the only) One Ilah (God), Glory be to Him (Far Exalted is He) above having a son. To Him belongs all that is in the heavens and all that is in the earth. And Allah is All-Sufficient as a Disposer of affairs.'" (Qur'an 4:171)



DISCOVER ISLAM

163 South Circular Road, Dublin 8

Lo-Call 1890 253 330

Email: info@discoverislam.ie, Web: www.discoverislam.ie

Who is Allah



DISCOVER ISLAM

It is a known fact that every language has one or more terms that are used in reference to God and sometimes to lesser deities. This is not the case with the Arabic term Allah.

Allah is the personal name of the one true God. Nothing else can be called Allah. The term has no plural or gender. This shows its uniqueness when compared with the word 'god' which can be made plural, gods, or feminine, goddess.

It is interesting to note that Allah is the proper name of God in Aramaic, the language of Jesus and a sister language of Arabic.

To a Muslim, Allah is the Almighty, Creator and Sustainer of the universe, Who is similar to nothing and nothing is comparable to Him. The prophet Muhammad (peace be upon him) was asked by his contemporaries about Allah the Almighty; the answer came directly from God Himself in the form of a short chapter of the Qur'an, which is considered to be the essence of the unity or the motto of monotheism.

This is chapter 112 which reads:

In the name of Allah, the Merciful, the Compassionate. Say (O Muhammad (peace be upon him)): "He is Allah, (the) One. Allah-us-Samad (The Self-Sufficient Master, Whom all creatures need, He neither eats nor drinks). He begets not, nor was He begotten; And there is none co-equal or comparable unto Him". (Qur'an: Chapter 112)

Some non-Muslims allege that God in Islam is a stern and cruel God or that He is not loving and kind. Nothing can be farther from truth than this allegation. It is enough to know that, with the exception of one, each of the 114 chapters of the Qur'an begins with the verse: "In the name of Allah, the Merciful, the Compassionate." In one of the sayings of prophet Muhammad (peace be upon him) we are told that "Allah is more loving and kinder than a mother to her dear child."

But Allah is also Just. Hence evildoers and sinners must have their share of punishment and as for the virtuous, His bounties and favors. Actually, God's attribute of Mercy has

to exist, which means that He must be self-sufficient. And if He does not depend on anything for the continuance of His own existence, then this existence can have no end. The Creator is therefore eternal and everlasting: "He is the First and the Last."

He is Self-Sufficient or Self-Subsistent or, to use a Qur'anic term, *Al-Qayyum*. The Creator does not create only in the sense of bringing things into being. He also preserves them and takes them out of existence and is the ultimate cause of whatever happens to them.

"Allah is the Creator of everything. He is the guardian over everything. Unto Him belong the keys of the heavens and the earth." (Qur'an 39:62-63)

"And there isn't a creature that crawls on earth, except that upon Allah is its provision. He knows its place of dwelling and place of storage. All is in a clear register." (Qur'an 11:6)

Attributes of Allah

If the Creator is Eternal and Everlasting, then His attributes must also be eternal and everlasting. If this is so, then His attributes are absolute. Can there be more than one Creator with such absolute attributes? Can there be for example, two absolutely powerful Creators? A moment's thought shows that this is not feasible. The Qur'an summarizes this argument in the following verses:

"No son (or offspring or children) did Allāh beget, nor is there any ilāh (god) along with Him; (if there had been many gods), behold, each god would have taken away what he had created, and some would have tried to overcome others! Glorified be Allāh above all that they attribute to Him!" (Qur'an 23:91)

"Had there been therein (in the heavens and the earth) gods besides Allāh, then verily both would have been ruined. Glorified be Allāh, the Lord of the Throne, (High is He) above what they attribute to Him!" (Qur'an 21:22)

The Oneness of Allah

The Qur'an reminds us of the falsity of all alleged gods. To the worshippers of man-made objects, it asks:

"Do you worship what you have carved yourself?" (Qur'an 37:95)

Say (O Muhammad): "Who is the Lord of the heavens

full manifestation in His attribute of justice.

People suffering throughout their lives for His sake and people oppressing and exploiting other people all their lives should not receive similar treatment from their Lord. Expecting similar treatment for them will amount to negating the very belief in the accountability of man in the Hereafter and thereby negating all the incentives for a moral and virtuous life in this world. The following Qur'anic verses are very clear and straightforward in this respect:

"Verily, for the righteous are gardens of delight, in the presence of their Lord. So shall We treat the Muslims (believers, righteous) like the criminals? (disbelievers, evildoers) What is the matter with you? How do you judge?" (Qur'an 68:34-36)

Islam rejects characterizing God in any human form or depicting Him as favoring certain individuals or nations on the basis of wealth, power or ethnicity. He created the human beings as equals. They may distinguish themselves and get His favor through virtue and piety only.

The concept that God rested on the seventh day of creation, that God wrestled with one of His soldiers, that God is an envious plotter against mankind, or that God is incarnate in any human being are considered blasphemy from the Islamic point of view.

The unique usage of the term Allah as a personal name of God is a reflection of Islam's emphasis on the purity of the belief in God which is the essence of the message of all God's messengers. Because of this, Islam considers associating any deity or personality with God as a deadly sin which God will never forgive, despite the fact He may forgive all other sins.

Note that what is meant above applies ONLY to those people who die in a state wherein they are associating others with God. The repentance of those who yet live is acceptable to God if He wills.

The Creator must be of a different nature from the things created because if He is of the same nature as they are, He will be temporal and will therefore need a maker. It follows that nothing is like Him. If the maker is not temporal, then He must be eternal. But if He is eternal, He cannot be caused, and if nothing outside Him causes Him to continue

**What
The Director of
Public Prosecutions
had on file**

COPY

Emmett Corbett

Cork.

16-12-17

Superintendent John Quilter,

I am writing to you concerning our law being broke by a man from India named Zubir, that can be found on the Grand Parade on Saturdays displaying a varied assortment of literature with reference to teaching from the Qur'an, his religion of Islam, his god named Allah and a "prophet" known as Muhammad.

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Who is Allah



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DPP Case No: 2018/14172

20 September 2022

Strictly Personal and Confidential

Mr Emmett Corbett

Co. Cork

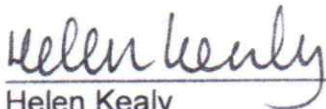
Dear Mr Corbett

I refer to your letter dated 18 July 2022 addressed to Lynda Mullen which was passed to me.

I have reviewed our file and I can confirm that the file we received from the Gardaí also contained what you refer to as your 'original letter' as well as the letter you refer to as your letter that you received from our office, though it also had a second page containing the text of the remainder of your letter. I am enclosing a copy of both for your ease of reference.

I can also confirm that the second half of the leaflet was forwarded later and considered as part of our assessment of the case.

Yours sincerely



Helen Kealy
Senior Principal Prosecutor
Victims Liaison Unit

8TH Day of December 2021

Publication of Blasphemous and Insulting Material

To Detective Keith Mills,

I would report a matter involving a Waterford Whispers News sketch broadcast by RTÉ on New Year's Eve last, which makes a mockery of matters held sacred, by substantial number of the population.

Especially as we are coming up to Christmas, and the celebration of the Naivety, it is important that we do not have a repeat of last year.

The matter was a sketch, which took the form of a fake bulletin presented by former newsreader Aengus Mac Grianna, which featured God being arrested.

"In another shocking revelation this year," Mac Grianna told viewers, "God became the latest figure to be implicated in ongoing sexual harassment scandals. The five-billion-year-old stood accused of forcing himself on a young middle-eastern migrant and allegedly impregnating her against her will. He was sentenced to two years in prison with the last 24 months suspended."

This matter was and is highly offense, and of course a criminal matter, as it is contrary to, Defamation Act 2009, and Criminal Justice Act 1994

- | | |
|---|--|
| Publication or
utterance of
blasphemous matter. | 36.— (1) A person who publishes or utters blasphemous matter shall be guilty of an offence and shall be liable upon conviction on indictment to a fine not exceeding €25,000.
(2) For the purposes of this section, a person publishes or utters blasphemous matter if—
(a) he or she publishes or utters matter that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion, and
(b) he or she intends, by the publication or utterance of the matter concerned, to cause such outrage.
(3) It shall be a defence to proceedings for an offence under this section for the defendant to prove that a reasonable person would find |
|---|--|

genuine literary, artistic, political, scientific, or academic value in the matter to which the offence relates.

(4) In this section “ religion ” does not include an organisation or cult—

(a) the principal object of which is the making of profit, or

(b) that employs oppressive psychological manipulation—

(i) of its followers, or

(ii) for the purpose of gaining new followers.

Criminal Justice (Public Order) Act, 1994

Distribution or display in public place of material which is threatening, abusive, insulting or obscene.

7.(1) It shall be an offence for any person in a public place to distribute or display any writing, sign or visible representation which is threatening, abusive, insulting or obscene with intent to provoke a breach of the peace or being reckless as to whether a breach of the peace may be occasioned.

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 3 months or to both.

It is understood that more than 4,750 complaints were lodged with the broadcaster over the piece, which was created by Waterford Whispers News website run by Colm Williamson, who is based in Tramore, County Waterford.

I believe it to be in the public interest and the duty of An Gardaí, to protect citizens of the Christian faith from such vile offences, and to ensure that the law will be enforced on this matter, ensuring that such hateful publications don't happen again.

Also, I would like to add, that such actions were and are unconstitutional, as the Preamble of the Irish Constitution, clearly states that our Constitution can only be interpreted through the lens of Christianity, which states.

In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred,

We, the people of Éire,

Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial,

Gratefully remembering their heroic and unremitting struggle to regain the rightful independence of our Nation,

And seeking to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations,

Do hereby adopt, enact, and give to ourselves this Constitution.

Considering the above facts, and of course your solemn oath to uphold the Constitution, I am sure such an honourable Guardian such as yourself, will be only too eager to make arrest and convict such a contemptable gutless crime, while setting an example that our law is not a for Hypocrites.

Also, I refer to the Garda Attestation Oath. 2005 NO 20 GARDA SIOCHANA ACT

Garda Siochana Oath: "ATTESTATION OATH"

I HEREBY SOLEMNLY AND SINCERELY DECLARE BEFORE GOD THAT I WILL FAITHFULLY DISCHARGE THE DUTIES OF A MEMBER OF THE GARDA SIOCHANA WITH FAIRNESS, INTEGRITY, REGARD FOR HUMAN RIGHTS, DILIGENCE AND IMPARTIALITY, UPHOLDING THE CONSTITUTION AND THE LAW AND ACCORDING EQUAL RESPECT TO ALL PEOPLE.

Also, can you please check if the above offence falls in to hate crime, as I am unsure on the current legislation.

Regards, Emmett Corbett

GSOC REF: 300276-01-22

(Please quote this reference no. when contacting the GSOC)



Garda
Ombudsman

Mr Emmett Corbett

Cork

14 February 2022

Dear Mr Corbett

I am directed by the Garda Síochána Ombudsman Commission ("GSOC") to advise you that your complaint, which was received on 28 January 2022, is inadmissible on the grounds that the behaviour alleged is not of such a nature that it would, if proved, amount to a breach of Garda discipline as provided for in Schedule 5 of the Garda Síochána Act, 2005 as amended ("the Act").

The Blasphemy (Abolition of Offences and Related Matters) Act 2019 repealed sections 36 and 37 of the Defamation Act 2009 and stated that "Any rule of law by virtue of which- (a) blasphemy, or (b) blasphemous libel, is an offence is abolished." Also, the Thirty-seventh Amendment of the Constitution in 2018 removed the constitution's requirement to criminalise "publication or utterance of blasphemous matter". You may wish to contact the Broadcasting Authority of Ireland in relation to the matter.

The Garda Commissioner and the member concerned will be notified of this decision. In accordance with section 88 (1) (C) of the Act, GSOC will take no further action in relation to this complaint.

Inadmissible complaints are not reviewed by the Ombudsman Commission unless new information, which was not previously available, comes to light and is submitted in writing.

Yours sincerely

88 *Moelle O'Connor*

Signed by James Morton

Case Manager

on behalf of the Garda Síochána Ombudsman Commission

Coimisiún Ombudsman an Gharda Síochána, 150 Sráid na Mainistreach Uachtarach, Baile Átha Cliath 1, D01 FT73
Garda Síochána Ombudsman Commission, 150 Upper Abbey St, Dublin 1, D01 FT73

☎ (01) 871 6727 ☎ 1890 600 800 📠 (01) 814 7023 ✉ info@gsoc.ie 🌐 www.gardaombudsman.ie

Emmett Corbett

Cork city.

13/10/19

To Superintendent John Quilter

I have been advised by the Garda Press Office to write to the superintendent in Cork city, concerning my objection to non-Christian religious garb being incorporated into the Garda uniform.

My objection is this, how can an individual sincerely take the Garda oath of Attestation which requires upholding the Irish Constitution, without acknowledging that the Irish people have given ourselves the very same Constitution in the name of the Most Holy Trinity, and acknowledges all our obligations to our Divine Lord, Jesus Christ?

Surely we are to be unconvinced of anyone that regards the content our Constitution with such indifference, when they seek to undermine and change the long established values bestowed unto us since the foundation of the State, and how are we to take their word serious when they are unable to grasp such basic fundamentals of Laws, unless they are willing to acknowledge the Most Holy Trinity and the divinity of The Lord Jesus Christ?

I refer to the Preamble of the Irish Constitution

In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred,

We, the people of Éire,

Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial,

Gratefully remembering their heroic and unremitting struggle to regain the rightful independence of our Nation,

And seeking to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations,

Do hereby adopt, enact, and give to ourselves this Constitution.

Also I refer to the Garda Attestation Oath. 2005 NO 20 GARDA SIOCHANA ACT
Garda Siochana Oath: "ATTESTATION OATH"

I HEREBY SOLEMNLY AND SINCERELY DECLARE BEFORE GOD THAT I WILL FAITHFULLY DISCHARGE THE DUTIES OF A MEMBER OF THE GARDA SIOCHANA WITH FAIRNESS, INTEGRITY, REGARD FOR HUMAN RIGHTS, DILIGENCE AND IMPARTIALITY, UPHOLDING THE CONSTITUTION AND THE LAW AND ACCORDING EQUAL RESPECT TO ALL PEOPLE.

Sincerely, Emmett Corbett

An Garda Síochána

Stiúrthóir Feidhmiúcháin,
Acmhainní Daonna agus Forbairt Daoine,
Ceanncheathrú an Gharda Síochána,
Páirc an Fhionnuisce,
Baile Átha Cliath 8.
D08 HN3X.



Executive Director,
Human Resources and People Development,
Garda Headquarters,
Phoenix Park,
Dublin 8.
D08 HN3X.

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Láithreán Gréasain/Web Site: www.garda.ie
Ríomh-phoist/Email:
hrrpd.executivedirector@garda.ie

Bí linn/Join us  

HR&PD_HRM-570238/19 (HRM/183)

Mr. Emmett Corbett


Cork City

Re: Garda Uniform

Dear Mr. Corbett,

While I appreciate your concern regarding the Garda uniform, I would like to take this opportunity to inform you that it is the preserve of An Garda Síochána, under the direction of the Commissioner, which makes the final decision on such matters.

Yours sincerely,


ALAN MULLIGAN
ACTING EXECUTIVE DIRECTOR
LM

 **July 2020**